AGENDA

LAW COMMITTEE

FEBRUARY 28, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. **LOCAL LAW NO. “C” FOR 2018**: A LOCAL LAW TO PROVIDE ACCESS TO PAID SICK TIME TO QUALIFIED EMPLOYEES WITHIN ALBANY COUNTY

2. **LOCAL LAW NO. “G” FOR 2018**: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BE RESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

3. **LOCAL LAW NO. “J” FOR 2018**: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

4. **RESOLUTION NO. 236**: AMENDING THE ALBANY COUNTY RULES OF ORDER

5. **RESOLUTION NO. 238**: AMENDING THE LEGISLATIVE PROCEDURES OF THE ALBANY COUNTY LEGISLATURE

7. **LOCAL LAW NO. “N” FOR 2018:** A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 1101 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO PROMOTE THE HIRING OF AN ECONOMIC DEVELOPMENT DIRECTOR

8. **RESOLUTION NO. 281:** AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER REGARDING RULE 22

9. **LOCAL LAW NO. “O” FOR 2018:** A LOCAL LAW FOR THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATION TO COMMISSIONS ON REAPPORTIONMENT

10. **RESOLUTION NO. 339:** AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING SELECTION OF COMMITTEE CHAIRPERSONS

11. **RESOLUTION NO. 340:** AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING RATIO OF COMMITTEE

12. **RESOLUTION NO. 341:** AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING DUTIES AND POWERS OF LEGISLATIVE LEADERS

13. **LOCAL LAW NO. “R” FOR 2018:** A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY PERSON

14. **RESOLUTION NO. 376:** PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “R” FOR 2018

15. **LOCAL LAW NO. “S” FOR 2018:** A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY

16. **RESOLUTION NO. 494:** PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “S” FOR 2018

17. **LOCAL LAW “F” FOR 2018:** A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 AS SUBSEQUENTLY AMENDED TO IMPLEMENT AN ANTI-NEPOTISM POLICY

18. **LOCAL LAW NO. “T” FOR 2018:** A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING VARIOUS PROVISIONS OF THE
ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED FOR THE PURPOSE OF INCORPORATING TERM LIMITS FOR CERTAIN COUNTY OFFICES

19. RESOLUTION NO. 524: REAFFIRMING THE TERMS OF LOCAL LAW “L” FOR 2018

20. LOCAL LAW NO. “U” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH HUDSON VALLEY WIRELESS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE

CURRENT BUSINESS:

21. LOCAL LAW NO. “A” FOR 2019: A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW

22. RESOLUTION NO 74: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “B” FOR 2019

23. RESOLUTION NO. 75: AMENDING RESOLUTION NO. 305-A FOR 2010 REGARDING THE FIRST RESPONDER APPRECIATION PROGRAM IN ALBANY COUNTY IN ORDER TO ESTABLISH THE COMMISSION AND CLARIFY APPOINTMENT OF ITS MEMBERSHIP

24. LOCAL LAW NO. “B” FOR 2019: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR NON-RESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTION 485-A

25. RENAMING THE ALBANY COUNTY NURSING HOME TO SHAKER PLACE REHABILITATION AND NURSING CENTER

26. AUTHORIZING AN AGREEMENT WITH THE COLLEGE OF SAINT ROSE REGARDING THE SUBMISSION OF A DEPARTMENT OF JUSTICE OFFICE OF VIOLENCE AGAINST WOMEN GRANT

27. AUTHORIZING AN AGREEMENT WITH THE CAPITAL DISTRICT WOMEN’S BAR ASSOCIATION LEGAL PROJECT, INC. REGARDING A CAMPUS LEGAL ASSISTANCE FOR VICTIMS GRANT

28. AUTHORIZING SUBMISSION OF A GRANT APPLICATION WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE CRIME VICTIMS AND WITNESS ASSISTANCE GRANT
29. AUTHORIZING AN AGREEMENT WITH THE CITY OF ALBANY REGARDING POLICE ATTENDANCE SERVICES AT THE CRIME VICTIM AND SEXUAL VIOLENCE CENTER'S TAKE BACK THE NIGHT RALLY

30. AUTHORIZING THE SETTLEMENT OF A LAWSUIT
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on January 31, 2019 at 5:30 p.m. Chairperson Plotsky, Messrs. Feeney, Touchette, Burgdorf, Mayo, Crouse, Fein, Higgins and Ms. Cunningham were present. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously Approved.

1. **Local Law No. “C” For 2018**: A Local Law to Provide Access to Paid Sick Time to Qualified Employees within Albany County: Tabled at the request of the Sponsor.

2. **Local Law No. “G” for 2018**: A Local Law of the County of Albany, New York to limit the length of time that canines may be restrained outdoors to no more than two hours in any continuous twelve-hour period: Tabled at the request of the Sponsor.

3. **Local Law No. “J” for 2018**: A Local Law of the County of Albany, New York establishing color requirements for petroleum bulk storage tanks: Tabled at the request of the Sponsor.


5. **Resolution No. 238**: Amending The Legislative Procedures of the Albany County Legislature: Tabled at the request of the Sponsor.

6. **Local Law No. “M” For 2018**: A Local Law of the County of Albany, New York Amending Section 206 Of the Albany County Charter and Local Law No. 8 For 1993 As Subsequently amended for the Purpose of Restructuring the Legislature by Reducing the Number of Legislators: Tabled at the request of the Sponsor.

7. **Local Law No. “N” For 2018**: A Local Law of the County of Albany, New York amending Section 1101 Of the Albany County Charter and Local Law No. 8 For 1993 As Subsequently Amended to Promote the Hiring of an Economic Development Director: Tabled at the request of the Sponsor.

8. **Resolution No. 281**: Amending the Albany County Legislative Rules of Order regarding Rule 22: Tabled at the request of the Sponsor.

9. **Local Law No. “O” for 2018**: A Local Law of the County of Albany, New York, amending section 207 of the Albany County Charter and Local Law No. 8 for
1993 as subsequently amended relation to commissions on reapportionment: Tabled at the request of the Sponsor.

10. **Resolution No. 333**: Repealing Resolution No. 445 of 2016 establishing a policy regarding other charges transferred to Albany County on delinquent tax bills: Withdrawn at the request of the Sponsor.

11. **Resolution No. 339**: Amending the Albany County Legislature's Rules of Order regarding selection of committee chairpersons: Tabled at the request of the Sponsor.

12. **Resolution No. 340**: Amending the Albany County Legislature's Rules of Order regarding ratio of committee members: Tabled at the request of the Sponsor.

13. **Resolution No. 341**: Amending the Albany County Legislature's Rules of Order regarding duties and powers of legislative leaders: Tabled at the request of the Sponsor.


16. **Local Law No. "S" for 2018**: A Local Law to require hospitals to post their policies on reproductive healthcare, non-discrimination, charity care, and admissions in Albany County. Tabled at the request of the Sponsor.


18. **Local Law "F" for 2018**: A Local Law of the County of Albany, New York amending Local Law No. 8 for 2011 as subsequently amended to implement an anti-nepotism policy: Tabled at the request of the Sponsor.


20. **Resolution No. 524**: Reaffirming the Terms of Local Law "L" for 2018: Mr. Burgdorf addressed the Committee regarding the proposal. Tabled at the request of the sponsor.
21. **Resolution No. 527:** Public Hearing on Proposed Local Law “U” for 2018: Tabled at the request of the Sponsor. A motion was made to amend the resolution to accurately reflect the public hearing date of February 26, 2019. That motion was duly seconded. The Committee then unanimously voted to move the proposal forward for legislative action with a favorable recommendation.

22. **Local Law No. “U” for 2018:** A Local Law of the County of Albany Authorizing the County Executive to Enter into a Lease Agreement of Property Owned by Albany County with Hudson Valley Wireless, Subject to the Approval of the Albany County Legislature: Tabled at the request of the Sponsor.

23. **Resolution No. 519:** Rescinding the Transfer of 407 First Street in the City of Albany to the Albany County Land Bank per resolution No. 272 for 2018 and Authorizing the Conveyance of Real Property in the City of Albany located at 407 First Street (Tax Map No. 65.55-6-61): After a brief discussion, Mr. Burgdorf made a motion to table the item pending a legal opinion from the Albany County Attorney. Mr. Crouse duly seconded the motion. The Committee then voted unanimously to table the proposal pending an opinion from the Albany County Attorney.

24. **Resolution No. 581:** Public Hearing on Proposed Local law No. “O” for 2018: After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation. After a brief discussion, the Committee voted unanimously to move the proposal forward as amended for legislative action with a favorable recommendation.

25. **Authorizing the County Executive to Relocate the Board of Elections to 260 South Pearl Street in the City of Albany:** The County Executive’s Office indicated that the move of the Board of Elections was necessary to accomplish a significant tax savings for the residents of the County of Albany. The Commissioner of the Department of General Services indicated that the Commissioners of the Board of Elections would be consulted regarding the specific requirements they would need related to the move to 260 South Pearl Street in the City of Albany. The County Executive’s Office stressed that the relocation would not occur during a time frame which would interfere with the duties and responsibilities of the Board of Elections as it relates to the June 2019 primary or the November 2019 general election. After a substantial discussion regarding the propriety of the relocation, Mr. Higgins made a motion that the Committee move the proposal forward without recommendation on the explicit condition that the relocation of the Board of Elections does not occur until after the canvass of the June 2019 primary election and corresponding certification of the election results by the Board of Elections. The motion was duly seconded by Ms. Cunningham. The Committee voted 6-3 to move the proposal forward for legislative action without recommendation. Messrs. Feeney, Crouse, and Burgdorf were opposed to the motion.
26. Authorizing the Submission of a Grant Application to the New York State Office of Indigent Legal Services Regarding Legal Services Funding. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

27. Authorizing the Submission of a Grant Application to New York State Regarding the Local Records Management Improvement Fund. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully Submitted,

THE LAW COMMITTEE

VICTORIA PLOTSKY, Chairperson
DENNIS A. FEENEY
SAMUEL I. FEIN
RICHARD TOUCHEETE
JOANNE E. CUNNINGHAM
CHRISTOPHER T. HIGGINS

DAVID B. MAYO
PAUL J. BURGDORF
PETER R. CROUSE
LOCAL LAW “C” FOR 2018

A LOCAL LAW TO PROVIDE ACCESS TO PAID SICK TIME TO QUALIFIED EMPLOYEES WITHIN ALBANY COUNTY

Introduced: 3/12/18
By: Messrs. Bullock, Reinhardt, A. Joyce, Fein, Higgins, Mss. Lekakis and McLean Lane, Cunningham:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

Section 1. Legislative Intent

The Legislature hereby finds and determines that access to paid sick time promotes a healthy and safe county by reducing the spread of illness, reducing health care costs, reducing work-family conflict and providing greater flexibility to those with caregiving responsibilities.

The Legislature finds that 40% of workers in Albany County lack access to paid sick time.

The Legislature finds that paid sick leave may diminish public and private health care costs and promote preventive health services in Albany County by enabling workers to seek early and routine medical care for themselves and their family members.

The Legislature finds that some employees are without any protection from losing their jobs or facing workplace discipline when they use the paid sick time they earn to care for themselves or their families.

The Legislature finds, that paid sick leave may allow for victims of domestic violence and their family members in recovery, by providing them job-protected time away from work to receive treatment and to take the necessary steps to ensure their safety.

The Legislature finds that it is necessary to safeguard the public welfare, health, safety and prosperity of the people of Albany County as well as to reduce the risk of contagion by ensuring employees of Albany County may enjoy paid sick leave.

The Legislature finds that the reality of employment in Albany County requires implementing this mandate in a manner that is feasible for employers.
Therefore, passage of this law guaranteeing paid sick time is necessary to ensure that all workers in Albany County can address their own health and safety needs and the health and safety needs of their families by requiring employers to provide a minimum level of earned paid sick time, including time to care for their family members.

Section 2. Title.

This Local Law shall be known as “The Albany County Paid Sick Leave Act.”

Section 3. Definitions.

For the purposes of this Local Law

A) “Agency” means the County of Albany.

B) “Calendar year” shall mean a regular and consecutive twelve month period, as determined by an employer.

C) “Chain business” shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least fifteen.

D) “Child” shall mean a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

E) “Domestic partner” shall be as defined in section 4 of the workers’ compensation law of New York.

F) “Employee” shall mean any “employee” as defined in subdivision 2 of section 190 of the labor law who is employed for hire within Albany County for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, but this definition does not include those who are employed by (i) the United States government; (ii) the state of New York,
including any office, department, independent Agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) any local government or municipality other than Albany County, or any entity governed by section 92 of the general municipal law or section 207 of the county law.

G) “Employer” shall mean any “employer” as defined in subdivision 3 of section 190 of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent Agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) any local government or municipality other than Albany County, or any entity governed by section 92 of the general municipal law or section 207 of the county law. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

H) “Family member” shall mean an employee’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee’s spouse or domestic partner; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

I) “Family offense matter” shall mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the
third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

J) “Grandchild” shall mean a child of an employee’s child.

K) “Grandparent” shall mean a parent of an employee’s parent.

L) “Health care provider” shall mean any person licensed under federal or New York state law to provide medical or emergency services, including, but not limited to, doctors, nurses and emergency room personnel.

M) “Human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

N) “Paid sick time” shall mean time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in Section 5 of this law, but in no case shall this hourly amount be less than that provided under section 652 (1) of the labor law of New York. In no case shall an employer be required to pay more to an employee for paid sick time than the employee’s regular rate of pay at the time the employee uses such paid sick time.

O) “Parent” shall mean a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

P) “Public health emergency” shall mean a declaration made by the Albany County Commissioner of Health.

Q) “Retaliation” shall mean any threat, discipline, discharge, demotion, suspension, reduction in employee hours or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under this Local Law.

R) “Safe time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in Section 5 of this
Local Law, whether or not compensation for that time is required pursuant to this Local Law.

S) “Sexual offense” shall mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

T) “Sibling” shall mean an employee’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

U) “Sick time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in section 4 of this Local Law, whether or not compensation for that time is required pursuant to this Local Law.

V) “Spouse” shall mean a person to whom an employee is legally married under the laws of the state of New York.

W) “Stalking” shall mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

Section 4. Accrual of Paid Sick Time

A) All employees shall accrue a minimum of one hour of sick time for every 30 hours worked.

1) Employees of an employer who employs one hundred (100) or more employees shall be entitled to earn and use up to 72 hours of paid sick time in a year, for all the purposes in Section 5, unless the employer selects a higher limit.

2) Employees of an employer who employs fewer than one hundred (100) but more than five (5) employees shall be entitled to earn and use up to 40 hours of paid sick time in a year for all the purposes in Section 5 unless the employer selects a higher limit.

3) Employees of an employer who employs five (5) or fewer employees shall be entitled to earn and use up to forty (40) hours of unpaid sick time for all the purposes in Section 5 unless the employer selects a higher limit. Employees who are exempt from overtime requirements under 29 U.S.C. § 213(a)(1) of the Federal Fair Labor Standards Act will be assumed to work 40 hours in each work week for purposes of paid and unpaid sick time accrual unless their normal work week is less than 40 hours, in which case paid and unpaid sick time accrues based upon that normal work week.
B) Paid and unpaid sick time as provided in this section shall begin to accrue at the
commencement of employment or on the date this law goes into effect,
whichever is later. An employer may provide all paid and unpaid sick time that
an employee is expected to accrue in a year at the beginning of the year.

C) Employees shall not be entitled to use accrued paid and unpaid sick time until
the 90th calendar day following commencement of their employment, unless
otherwise permitted by the employer. On and after the 90th calendar day of
employment, employees may use paid and unpaid sick time as it is accrued.

D) Paid and unpaid sick time shall be carried over to the following year.
Alternatively, in lieu of carryover of unused paid sick time from one year to the
next, an employer may pay an employee for unused paid sick time at the end of
a year and provide the employee with an amount of paid sick time that meets or
exceeds the requirements of this section that is available for the employee's
immediate use at the beginning of the subsequent year.

E) Any employer with a paid leave policy, such as a paid time off policy, who makes
available an amount of paid leave sufficient to meet the accrual requirements of
this section that may be used for the same purposes and under the same
conditions as sick time under this law is not required to provide additional paid
sick time.

F) Nothing in this section shall be construed as requiring financial or other
reimbursement to an employee from an employer upon the employee’s
termination, resignation, retirement or other separation from employment for
accrued paid sick time that has not been used.

G) If an employee is transferred to a separate division, entity or location, but remains
employed by the same employer, the employee is entitled to all paid and unpaid
sick time accrued at the prior division, entity or location and is entitled to use all
paid and unpaid sick time as provided in this section. When there is a separation
from employment and the employee is rehired within 12 months of separation by
the same employer, previously accrued paid and unpaid sick time that had not
been used shall be reinstated. Further, the employee shall be entitled to use
accrued paid and unpaid sick time and accrue additional paid and unpaid sick
time at the re-commencement of employment.

H) When a different employer succeeds or takes the place of an existing employer,
all employees of the original employer who remain employed by the successor
employer or who execute new employment agreements with the successor employer are entitled to all paid and unpaid sick time they accrued when employed by the original employer, and are entitled to use paid and unpaid sick time previously accrued.

I) At its discretion, an employer may loan paid sick time to an employee in advance of accrual by such employee.

J) At its discretion and pursuant to its own policies, an employer may permit employees to donate sick time to other employees of the same employer.

Section 5. Use of Paid Sick Time

A) An employee shall be entitled to use sick time for absence from work due to:

1) Such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;

2) Care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;

3) Closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the presence of the employee or family member in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease;

4) Any of the following reasons when the employee or a family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking;

   a) To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
b) To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;

c) To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

d) To file a complaint or domestic incident report with law enforcement;

e) To meet with a district attorney's office;

f) To enroll children in a new school; or

g) To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

B) For an absence of more than three consecutive work days under Section 5 an employer may require reasonable documentation that the use of sick time was authorized in the following manner:

1) For sick time used pursuant to subdivisions 1 through 3 of subdivision A of Section 5, an employer may require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to these subdivisions, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.

2) For sick time used pursuant to subdivision 4 of subdivision A of Section 5, documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court
record; or a notarized letter from the employee explaining the need for such
time shall be considered reasonable documentation and an employer shall not
require that such documentation specify the details of the family offense
matter, sexual offense, stalking, or human trafficking.

C) An employer may require reasonable notice of the need to use sick time. Where
such need is foreseeable, an employer may require reasonable advance notice of the
intention to use such sick time, not to exceed seven days prior to the date such sick
time is to begin. Where such need is not foreseeable, an employer may require an
employee to provide notice of the need for the use of sick time as soon as practicable.

D) An employer that requires notice of the need to use paid sick time where the
need is not foreseeable shall provide a written policy that contains procedures for
the employee to provide notice. An employer that has not provided to the employee
a copy of its written policy for providing such notice shall not deny paid sick time to
the employee based on non-compliance with such a policy.

E) Nothing herein shall prevent an employer from requiring an employee to provide
written confirmation that an employee used sick time pursuant to this section.

F) An employer shall not require an employee, as a condition of using sick time, to
search for or find a replacement worker to cover the hours during which such
employee is utilizing time.

G) Paid sick time may be used in the smaller of hourly increments or the smallest
increment that the employer’s payroll system uses to account for absences or use of
other time.

H) Nothing in this Local Law shall be construed to prohibit an employer from
taking disciplinary action, up to and including termination, against a worker who
uses sick time provided pursuant to this Local Law for purposes other than those
described in this section.

Section 6. Notice and Posting

A) An employer shall provide an employee either at the commencement of
employment or within 90 days of the effective date of this section, whichever is
later, with written notice of such employee’s right to sick time pursuant to this
Local Law, including the accrual and use of sick time, the calendar year of the
employer, and the right to be free from retaliation and to bring a complaint to the
Agency. Such notice shall be in English and in the primary language spoken by the
employee if the Agency makes notices available on the Agency’s website in such
language. Such notice shall be conspicuously posted at an employer's place of business in an area accessible to employees.

B) The Agency shall create and make available notices that contain the information required pursuant to subdivision A of this section concerning sick time and safe time and such notices shall allow for the employer to fill in applicable dates for such employer's calendar year. Such notices shall be posted in a downloadable format on the Agency's website in English and in all languages spoken by more than 10% of the County's workforce and any language deemed appropriate by the Agency.

C) An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

Section 7. Employer Records

Employers shall retain records documenting hours worked by employees and paid sick time taken by employees, for a period of three years, and shall allow the Agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this law. When an issue arises as to an employee's entitlement to paid sick time under this section, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick time taken by the employee, or does not allow the Agency reasonable access to such records, it shall be presumed that the employer has violated the law, absent clear and convincing evidence otherwise.

Section 8. Exercise of Rights Protected; Retaliation Prohibited

A) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Local Law.

B) An employer shall not engage in retaliation or discriminate against an employee or former employee because the person has exercised rights protected under this Local Law. Such rights include but are not limited to the right to request or use sick time pursuant to this law; the right to file a complaint with the agency or courts or inform any person about any employer's alleged violation of this law; the right to participate in an investigation, hearing or proceeding or cooperate with or assist the agency in its investigations of alleged violations of this Local Law; and the right to inform any person of his or her potential rights under this Local Law.
C) Protections of this section shall apply to any person who mistakenly but in good faith alleges violations of this Local Law.

Section 9. Regulations.

The Agency shall be authorized to coordinate implementation and enforcement of this act and may promulgate appropriate guidelines or regulations for such purposes.

Section 10. Enforcement

A) Administrative Enforcement

1) The Agency shall enforce the provisions of this Local Law. In effectuating such enforcement, the Agency shall establish a system utilizing multiple means of communication including but not limited to telephone and online means, to receive complaints regarding non-compliance with this Local Law and investigate complaints received by the Agency in a timely manner.

2) Any person alleging a violation of this Local Law shall have the right to file a complaint with the Agency within one year of the date the person knew or should have known of the alleged violation. The Agency shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or person reporting the violation, provided, however, that with the authorization of such person, the Agency may disclose his or her name and identifying information as necessary to enforce this Local Law or for other appropriate purposes.

3) Upon receiving a complaint alleging a violation of this Local Law, the Agency shall investigate such complaint and attempt to resolve it through mediation between the complainant and the subject of the complaint, or other means. The Agency shall keep complainants notified regarding the status of their complaint and any resultant investigation. If the Agency believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation and the relief required of the offending person or entity. The Agency shall prescribe the form and wording of such notices of violation including any method of appealing the decision of the Agency.

4) The Agency shall have the power to impose penalties provided for in this law and to grant an employee or former employee all appropriate relief. Such relief shall include but not be limited to: The Agency shall have the power to
impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include in addition to actual damages: (i) for each instance of sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.

5) Any entity or person found to be in violation of the provisions of this law shall be liable for a civil penalty payable to Albany County not to exceed $500 for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed $750 for the second violation and not to exceed $1,000 for each successive violation.

6) The Agency shall send a notice indicating final administrative action after full investigation and resolution of a complaint.

7) The Agency shall annually report on its website the number and nature of the complaints received pursuant to this Local Law, the results of investigations undertaken pursuant to this Local Law, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this Local Law, and the average time for a complaint to be resolved pursuant to this chapter.

B) Civil Enforcement

1) Any person aggrieved by a violation of this law, or any entity a member of which is aggrieved by a violation of this law may bring a civil action in a court of competent jurisdiction against an employer violating this law following (a) a notice of final administrative action under Section 10(A) or (2) after 120 days following the filing of a complaint with the Agency under Section 10(A)(2) if there has been no administrative action resolving the complaint. If the action follows a final decision of the Agency, the court shall review the administrative decision to insure that it is supported by substantial evidence. If a civil action is filed under (b) the court shall make a
de novo determination with respect to the complaint and the administrative complaint with the Agency will be considered withdrawn.

2) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall recover the full amount of any unpaid earned sick time plus any actual damages suffered as the result of the employer's violation of this law plus an equal amount of liquidated damages. Aggrieved persons shall also be entitled to reasonable attorney's fees.

3) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement to employment, back pay and injunctive relief.

4) The statute of limitations for a civil action brought pursuant to this section shall be (a) for actions brought pursuant to Section 10 (B) (1) (a), a period of 1 year from the date of the notice of final agency action issued under Section 10(A)(6) and (b) for actions brought pursuant to Section 10 (B) (1) (b) a period of 1 year and 120 days from the date the administrative complaint was filed.

Section 11. Collective bargaining agreements.

A) The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off. such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, safe time or sick time, and holiday and Sunday time pay at premium rates.

B) Notwithstanding subdivision (a) of this section, the provisions of this chapter shall not apply to any employee with respect to work performed in the construction industry pursuant to a valid collective bargaining agreement.

Section 12. Encouragement of more generous policies; no effect on more generous policies.

A) Nothing in this Local Law shall be construed to discourage or prohibit the adoption or retention of a safe time or sick time policy more generous than that which is required herein.
B) Nothing in this Local Law shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous safe time or sick time to an employee than required herein.

C) Nothing in this Local Law shall be construed as diminishing the rights of public employees regarding safe time or sick time as provided pursuant to federal, state or city law.

Section 13. Confidentiality and nondisclosure.

An employer may not require the disclosure of details relating to an employee's or his or her family member's medical condition or require the disclosure of details relating to an employee's or his or her family member's status as a victim of family offenses, sexual offenses, stalking, or human trafficking as a condition of providing sick time under this Local Law. Health information about an employee or an employee's family member, and information concerning an employee's or his or her family member's status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking obtained solely for the purposes of utilizing sick time pursuant to this Local Law, shall be treated as confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law.

Section 14. Other legal requirements.

This Local Law provides minimum requirements pertaining to sick time and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of safe leave or time or sick leave or time, whether paid or unpaid, or that extends other protections to employees.

Section 15. Severability

If any provision of this law or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.
Section 16. Effective Date

This local law takes effect 180 days after it becomes law, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law takes effect on the date of the termination of such agreement and further provided that in the case of employees of an organization which is tax exempt under Section 501(c)(3) of Title 26 of the United States Code with 200 or less employees employed exclusively under a single contract or grant, such employees will accrue unpaid sick time as provided in Section 4(3) of this local law beginning on the effective date specified herein until the stated date of termination of such contract or grant at which time such employees will accrue paid sick time as provided in this local law.

Section 17. Public Education and Outreach

The agency shall develop and implement a multilingual outreach program to inform employees, employers, parents and persons who are under the care of a health care provider about the availability of earned paid sick time under this law. The agency shall contract with community groups in carrying out public education and outreach.

*Referred to Law Committee - 3/12*
February 14, 2018

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY. 12207

Dear Chairman Joyce:

As included in my recent State of the County address, please find attached for your review a draft local law related to paid sick leave for workers in Albany County. The County Attorney’s office took great care to draft a fair and equitable law that balances the needs of private business and workers in Albany County. Recent coverage of this year’s flu season are indicative of the significant need for expanded access to sick leave for all workers. The lack of sick leave is not only an issue of fairness, but also a significant issue of public health and safety. Those without access are forced to work while sick to make ends meet or send their children to school or daycare even though they should be staying home for their own health and the health of others.

We welcome your thoughts and insights into this issue. I will have a representative present at the committee meeting to answer any of your questions, thank you.

Sincerely,

Daniel P. McCoy

cc: Gary W. Domalewicz, Majority Leader
Frank Maioniello, Minority Leader
Majority Counsel
Minority Counsel

cc: C
REQUEST FOR LEGISLATIVE ACTION

RLA #2573: Local Law requiring private employers provide paid sick leave

DATE: Tuesday, January 23, 2018

DEPARTMENT: County Executive

Contact Person: Michael McLaughlin, Director of Policy and Research

Telephone: 518-447-3043

Dept. Representative Attending Committee Meeting:

Michael McLaughlin, Director of Policy and Research

PURPOSE OF REQUEST:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment (see below)
- Contract Authorization (see below)
- Environmental Impact
- Home Rule Request
- Property Conveyance
- Other: (State briefly if not listed above)

CONCERNING BUDGET AMENDMENTS
STATE THE FOLLOWING:

- Increase Account/Line No.

- Source of Funds:

- Title Change:

CONCERNING CONTRACT AUTHORIZATION
STATE THE FOLLOWING:

TYPE OF CONTRACT:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements Professional Services
- Education/Training
- Grant:
  - New
  - Renewal
  - Submission Deadline Date
- Settlement of a Claim
- Release of Liability
- Other: (State briefly)
CONCERNING CONTRACT AUTHORIZATION (Cont'd)
STATE THE FOLLOWING:

Contract Terms/Conditions:

Amount/Price Schedule/Rate
Scope of Services

Contract Funding:
Bond Res. No.: 
Date of Adoption:

CONCERNING ALL REQUESTS:

Mandated Program/Service: No
If Mandated Cite: Authority
Anticipated in Current Adopted Budget No

County Budget Accounts:
Revenue

Appropriation

Fiscal Impact - Funding: (Dollars or Percentages)

Federal

State

County

Local

Term/Length of Funding:

Impact on Pending Litigation No
If yes, please explain:

Previous Requests for Identical or Similar Action

Resolution/Law Number

Date of Adoption

Justification: (State briefly why legislative action is requested).

Paid sick leave is a significant issue for a large portion of the workforce in Albany County. Forty percent (40%) of the workforce in Albany County does not have access to paid sick leave. For individuals with this lack of benefit they are forced to either work sick, constituting a public health risk, or take unpaid days they likely cannot afford. In addition, they are able to adequately care for their children, due to the inability to take time off, in the event that they become sick. The recent flu epidemic is a prime example of how valuable access to sick leave could be if available to a larger segment of the workforce. We request the County Legislature pass a local law requiring all private employers provide paid sick leave to their employees. This benefit will consider the number of employees an employer has in addition to a sliding scale in consideration of the

The County Attorney's office is finalizing a local law for consideration that will be forwarded at our earliest convenience. Contained within the draft will be provisions such as:

Employees shall accrue a minimum of one hour of sick time for every 30 hours worked.

Employees of an employer who employs ten (10) or more employees shall be entitled to earn and use up to 72 hours of earned paid sick time in a year, unless the employer selects a higher limit.

Employees of an employer who employs fewer than ten (10) but more than five (5) employees will be entitled to earn and use up to 40 hours of earned paid sick time in a year unless the employer selects a higher limit.

Employees will not be entitled to use accrued earned paid sick time until the 90th calendar day following commencement of their employment, unless otherwise permitted by the employer. On and after the 90th calendar day of employment, employees may use earned paid sick time as it is accrued.
LOCAL LAW NO. “G” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BE RESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

Introduced: 4/9/18
By Mr. Cahill and Ms. Cunningham:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Albany County Legislature has been a leader in protecting the health and welfare of animals in Albany County.

This Legislature also finds and determines that animal owners will sometimes tie their animals to a stationary object outdoors for a short period of time.

This Legislature further finds and determines that some owners, however, leave their animals tied to a stationary object outdoors for long periods of time, in some cases, all day.

This Legislature finds that animals left tied to an object outdoors for prolonged periods often do not have sufficient food, water or shelter from inclement weather.

This Legislature further finds that tethers, chains and other restraints can also injure animals, as the restraint may tangle or catch on other objects.

This Legislature also finds that dogs left on tethers, chains and other restraints may be more aggressive and create a public safety hazard.

This Legislature also determines that it is in the best interests of Albany County residents and their pets to limit the amount of time animals spend tied outdoors to a stationary object.

Therefore, the purpose of this Local Law is to limit the length of time that animals may be restrained outdoors to no more than two hours in any continuous twelve-hour period.

Section 2. Definitions
As used in this Local Law, the following terms shall have the meanings indicated:

(a) "Person" means any individual, firm, partnership, corporation, company, society, association, or any organized group of persons, whether incorporated or not.

Section 3. Prohibitions.

(a) It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

1. Endangers such dog's health, safety or well-being;
2. Restricts such dog's access to suitable and sufficient food and water;
3. Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by §353-b of the New York State Agriculture and Markets Law; or
4. Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area from the area where it must eat, drink or lie down.

(b) Notwithstanding the provisions of Subsection (a) of this Section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:

1. Is a choke collar or pinch collar, or a similar collar that tightens when pulled;
2. Restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or causes substantial discomfort to the dog;
3. Is embedded, partially embedded or may become embedded in such dog's skin;
4. Has weights attached or contains links that are more than 1/4 inch thick;
5. Weighs more than 25% of the dog’s total body weight, not to exceed 25 pounds for any dog;
6. Is less than 10 feet in length;
7. Because of its design or placement is likely to become entangled;
8. Is long enough to allow such dog to move outside of its owner's property; or
9. Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.

(c) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than two hours in any twelve-hour period. And if the dog is tethered to a pulley, running line, or trolley or cable system, the top line must be a minimum of fifteen feet long and six or less feet above the ground.
(d) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for any period of time if:

(1) The dog is less than 6 months old;
(2) There is an active weather alert;
(3) Tethering may exacerbate an existing health condition;
(4) Multiple dogs are tethered and their tethers may become entangled; or
(5) The dog is not displaying current identification as defined by section § 108 of New York State Agriculture and Markets Law.

Section 4. Enforcement.

This Local Law shall be enforced by the office of the Albany County Sheriff and may also be enforced by any police officer, peace officer, or local dog control or animal control officer with jurisdiction within Albany County.

Section 5. Penalties for offenses.

A violation of this Local Law shall be punishable by a fine of not more than $150 for a first offense, by a fine of not more than $300 for a second offense and by a fine of not more than $500 for a third or subsequent offense.

Section 6. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Public Safety Committees – 4/9/18
LOCAL LAW NO. "J" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

Introduced: 4/9/2018
By Messrs. Fein and Higgins:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Legislative Intent

The Legislature finds that the external color of a petroleum bulk storage tank affects the amount of pollutants emitted from the tank into the air.

The Legislature further finds that dark-colored tanks absorb more heat, resulting in greater emissions of air pollutants, and that tanks painted white absorb less heat and therefore have lower emissions of air pollutants than dark-colored tanks.

The Legislature further finds that emissions from oil and petroleum-based products emit pollutants into the air including volatile organic compounds such as benzene, a known human carcinogen.

The Legislature further finds that all residents of the County of Albany deserve the ability to breath clean air.

The Legislature further finds that safeguarding the health of the residents of Albany County is an important role of the government of the County of Albany.

The Legislature further finds that many residents of the County of Albany residing in the Southern end of the City of Albany do not have the ability to breath clean air where they live due to emissions of air pollutants from a variety of industrial sources including but not limited to petroleum bulk storage tanks.

The Legislature further finds that air quality monitoring by the New York State Department of Environmental Conservation in the Southern end of the City of Albany has detected high levels of benzene and other air pollutants.

Therefore, the purpose of this Local Law is to reduce the harmful air pollutants emitted by petroleum bulk storage tanks that residents of the County of Albany are forced to breath.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:
A. "Petroleum Bulk Storage Tank" means any tank with a capacity of 500,000 gallons or greater designed to store or being used to store oil or petroleum-based products.

B. "Existing Tank" means a Petroleum Bulk Storage Tank in existence on the effective date of this law.

C. "New Tank" means a Petroleum Bulk Storage Tank constructed after the effective date of this law.

D. "Operator" an entity, corporation, or individual that owns or operates a Petroleum Bulk Storage Tank.

Section 3. Color Requirements For New and Existing Petroleum Bulk Storage Tanks

A. As set forth below, all Existing and New Petroleum Bulk Storage Tanks located in Albany County must meet the following Color Requirement: (1) The entirety of the exterior of the tank must be painted white in a manner that completely covers any dark-colored surfaces on the tank, except for a logo or written text provided that such logo or written text does not exceed five percent (5%) of the exterior surface area of the tank; and (2) The white tank coloring shall be maintained as necessary to prevent underlying dark-colored surfaces from being exposed.

B. All New Tanks must meet the Color Requirement prior to being used or placed in operation.

C. All Existing Tanks must meet the Color Requirement within ninety (90) days of the effective date of this law.

D. The Operator is responsible for ensuring that the Color Requirement is complied with for all Petroleum Bulk Storage Tanks owned by the Operator.

Section 4. Health Commissioner’s Enforcement Authority

The Health Commissioner is authorized to take any and all reasonable actions necessary to enforce this Local Law.

Section 5. Penalties

Any violation of Section 3 of this Local Law shall be punishable as follows:
A. First Offense. Any Operator guilty of a first offense shall be guilty of a violation and shall be given a written warning allowing thirty (30) days to correct the violation.

B. Second Offense. Any Operator guilty of a second offense, meaning not correcting the first offense violation within the allowed thirty (30) days, shall be guilty of a violation and shall be fined an amount not to exceed one thousand dollars ($1,000) for each day the violation continues.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to: Law and Conservation and Improvement Committees – 4/9/18
RESOLUTION NO. 236

AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER

Introduced: 5/14/18
By: Mendick, Ethier

WHEREAS, the legislative process should be fair, consistent, efficient, and
democratic and to achieve these goals, amendments to the rules and procedures of
our Legislative Rules of Order are needed, and

WHEREAS, As this body embraces technology, we must ensure increased
access to the information generated to our legislative members and the public at
large, and

WHEREAS, Uniformity and consistency regarding legislative processes are
essential to a well-functioning legislative body, and

RESOLVED, That the Albany County Legislature’s Rules of Order be
amended in part to read as follows:

RULE 1 - ORGANIZATIONAL MEETING

The meeting of the County Legislature for the selection of a [Chairman]
Chairperson and the transaction of other business relative to organization,
pursuant to Section 203 of the Albany County Charter, shall be held each even
numbered year at 7:30 p.m. in the Chambers of the County Legislature on the first
Monday following the first day of January except that in each and every year
following the election of the Legislators, the meeting shall be held in the Chambers
of the Legislature on the first day of January at 12:00 noon. The Clerk of the
Legislature shall serve on each member a written notice, mailed and/or delivered
electronically to each member’s last known [post-office] address, at least 48 hours
before the date of the meeting, stating the time and date of said meeting and
identifying the place and purpose as being the organization of the Legislature and
the election of its Chairperson.

RULE 2 - REGULAR MEETINGS

ANNUAL. - The Annual Meeting of the County Legislature shall begin at the
conclusion of the Public Forum on the second Monday [first Monday following the
40th day] of October of each year at which time the Legislature will accept for
consideration the Budget, Capital Program and the Budget Message of the County
Executive for the ensuing fiscal year. This meeting shall continue by adjournment
until after the confirmation and delivery of the tax rolls to the City Treasurer,
Receiver of Taxes and Collectors of the several towns: No Annual meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. If any such Annual meeting date shall fall on a civic holiday, then the meeting shall be held on the next day which is not a civic holiday. If upon due consideration, any such Annual meeting date shall fall on a day determined to be a religious holiday, then the meeting may be held on the next day which is not a religious holiday.

MONTHLY -- The Legislature of the County of Albany will meet on the second Monday of the Month, January through September (except in even numbered years requiring an Organizational Meeting in which the Monthly Meetings shall be from February through September), at the conclusion of the Public Forum in its Chambers. No Monthly meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. If any such Monthly meeting date shall fall on a civic holiday, then the meeting shall be held on the next day which is not a civic holiday. If upon due consideration, any such Monthly meeting date shall fall on a day determined to be a religious holiday, then the meeting may be held on the next day which is not a religious holiday.

PUBLIC FORUM – From 6:30 p.m. until its conclusion, and in no event shall the Public Forum continue past 7:30 p.m., except that the Chairperson, in his/her discretion, may extend the time for the Public Forum, on the night of each monthly meeting, annual meeting and adjournment thereof, members of the public shall have the right to address the members of the Legislature on matters pertaining to the County of Albany. Each member of the public who desires to address the Legislature shall personally give their name to the Clerk of the Legislature from 6:15 p.m. to 6:30 p.m. on such evening. The members of the public should state the topic on which they wish to speak. The Clerk shall maintain such list from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes, except that the Chairperson, in his/her discretion, may limit speakers to three (3) minutes to give as many speakers as possible an opportunity to address the issues on that evening’s legislative agenda. If all speakers wishing to address the legislature on that evening’s agenda have spoken, speakers wishing to speak on other matters pertaining to Albany County may address the legislature in the remaining time before the meeting and, if at the end of the hour there are still speakers who have not been heard, the Public Forum shall continue after the legislature has adjourned the meeting. Residents of Albany County shall have preference to speak before non-residents when addressing items on the agenda. They shall also have preference when addressing items not on the agenda, but not before non-residents have spoken regarding items on the agenda. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature except when a member of the Legislature is seeking clarification for an item
mentioned by the speaker. The Clerk shall take roll call and record the names of those members present and absent for the Public Forum. The Public Forum shall be livestreamed.

RULE 3 - SPECIAL MEETING

Special meetings shall be held at any time at the call of the Clerk of the County Legislature upon written direction of the Chairperson or upon written request signed by a majority of the Members of the County Legislature, or upon written request of the majority and minority leaders.

No Special Meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. Notice in writing stating the time, place and purpose of the special meeting shall be served personally, [es] by mail, or electronically upon each member by the Clerk at least forty-eight (48) hours before the date fixed for holding the meeting by writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting. Members of the public shall have the right to address members of the Legislature on the resolution(s) or local law(s) to be considered at a Special Meeting for a period of one-half hour immediately preceding the commencement of the Special Meeting. Each member of the public who desires to address the Legislature shall personally give their name to the Clerk of the Legislature for the period of fifteen (15) minutes immediately preceding the public forum period. The Clerk shall maintain such list from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes to address the Legislature. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature except when a member of the Legislature is seeking clarification for an item mentioned by the speaker.

RULE 4 - ADJOURNMENTS

Any meeting may be adjourned by a majority vote of the members present from time to time to a definite day and hour. Failure to specify the hour shall not, however, invalidate the meeting, and in such cases the hour shall be 7:30 p.m.

RULE 5 - PUBLIC RECORD

All meetings of the County Legislature shall be public pursuant to Public Officers Law. Live streaming of any meetings or public forums if recorded, as well as any videos recorded of any meetings, shall be available as a public record. Cameras, microphones, [tape] recorders or similar equipment may be permitted in the Chambers. The meeting will be [tape] recorded for public record. All such equipment shall be conspicuously displayed. The Chairperson, by a majority vote of
the members present, may cause such equipment to be removed from the Chamber if it interferes with the conduct of the meeting.

RULE 11 - LEGISLATION PROCEDURE

Each resolution and local law shall be consecutively numbered and the title shall state concisely the subject matter thereof. All resolutions and local laws which are to be presented to the Legislature for its consideration shall be delivered to the office of the Clerk of the Legislature, County Attorney and Majority and Minority Counsels, by 12:00 noon on the second [Wednesday] Thursday preceding the date of the organizational meeting, annual meeting or each regular monthly meeting of the Legislature, and by 12:00 noon two (2) business days prior to any special meeting that may be called. The Clerk shall include all such resolutions and proposed local laws in the agenda to be distributed as herein set forth and make available to each legislator and the public via website such agenda by 4:00 p.m. on the Tuesday preceding such meetings, exclusive of special meetings. The Clerk shall make the agenda for special meetings available one business day prior to the special meeting. Resolutions and local laws not contained in the printed agenda, but which require immediate attention, may be introduced with [the consent] a long roll call vote of the majority of the Legislature with copies provided to members of the Legislature, the County Attorney, Majority and Minority Counsels and the Clerk of the Legislature prior to the start of the Legislative meeting at which the proposed Rule 11 is being offered. Additional copies shall be provided at the meeting for members of the public, and an electronic version shall be uploaded to the County website within forty-eight (48) hours of introduction. Legislation offered under Rule 11 should be of the type where timely passage is of the essence, and legislation offered under lesser circumstances may not be allowed.

Each resolution shall be numbered in consecutive order beginning with number one each year. A resolution shall retain its number throughout the legislative process. However, if a resolution is amended, the letter A for the first time amended, the letter B for the second time amended, and so on shall be added to the resolution number to signify each amendment(s).

Each local law shall be assigned a letter for introduction purposes in consecutive order beginning with the letter A each year, and shall contain a distinct section providing for a short title for reference purposes. Once duly adopted, a local law shall be assigned a number and numbered in consecutive order starting with the number one beginning with the first local law adopted each year.

[Each resolution or local law shall have a title which shall concisely state the subject matter thereof]
Resolutions and local laws not contained in the printed agenda may only be introduced after all other printed agenda items have been addressed, and only with the consent of a long roll call vote of the majority of the Legislature, and only if complete copies thereof are provided to each member, the County Attorney, Majority and Minority Counsels and the Legislative Clerk prior to the introduction of said proposed Legislation.

RULE 15 - ROLL CALL VOTE

A long roll call vote shall be taken on any questions whenever so required by law or upon request of any member, and, whenever so taken, shall be entered in the proceedings of the County Legislature, and the Clerk shall record in writing or electronically the names of the members and the way in which they voted. Any vote on any question involving adoption of the budget, amending the budget, or transferring funds within the budget shall be by long roll call vote with the Clerk recording the names of the members voting and the way in which they voted. This requirement shall not be applicable to the receipt of federal, state, or grant funds and the appropriation thereof unless requested by a member.

RULE 23 - REFERRALS TO COMMITTEE

The Chairperson may at any time on his own motion refer any communication, petition, report, local law or resolution when offered or presented to such committee as he deems proper unless reversed by a majority of members then in attendance. Said local law or resolution shall be returned to the floor of the Legislature for action of the whole body by the second regular monthly meeting of the body or within sixty (60) days whichever is longer.

RULE 26 - ORDER AND DECORUM

The Chairperson shall take the chair at the hour specified for the convening of the County Legislature and shall preserve order and decorum. In debate, he or she shall prevent personal reflections and confine members to the question under discussion. When two or more members arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order, which decisions shall be final unless reversed by a majority of the members then in attendance. [County Legislature]

RULE 36 - RECORDS

It shall be the duty of the Clerk of the Legislature to preserve all records of the County Legislature, including bills, statements, audits, petitions, resolutions, local laws, audio or video [tapes] recordings of the meetings, electronic records etc.
in properly indexed files, so numbered and identified in the minutes of the
proceedings of the County Legislature so as to afford ready access thereto.

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this
resolution to the Chairperson of the Legislature and the appropriate County
Officials.

Referred to Law Committee – 5/14/18
RESOLUTION NO. 238

AMENDING THE LEGISLATIVE PROCEDURES OF THE ALBANY COUNTY LEGISLATURE

Introduced: 5/14/18
By: Mendick

WHEREAS, When Resolutions and Local Laws are in committee as part of this body's legislative process, they often languish for months awaiting movement and clarification from their initial sponsor, and

WHEREAS, This policy has led to significant delays in the movement of legislation and has wasted taxpayer resources, and

WHEREAS, The cluttering of agendas with inactive legislation leads to confusion among the public and members, and

WHEREAS, for the purposes of this resolution, "inactivity" shall be defined as when a local law or resolution has not been attempted to be moved by its sponsor for a vote by a committee, now, therefore be it

RESOLVED, That after ninety (90) days of inactivity, any piece of legislation shall be automatically withdrawn unless reversed by a vote of the majority of the members of the committee in which the legislation has been placed, provided, however, that said committees may also by a majority vote of its members provide for one (1) additional forty-five (45) day extension for the sponsor(s) to attempt to move said legislation, and, be it further

RESOLVED, That nothing in this resolution shall be construed to prevent the reintroduction of legislation once the sponsor is ready to move forward with a vote, and, be it further

RESOLVED, That the above changes will take effect immediately after the passage of this resolution, and, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee – 5/14/18
LOCAL LAW NO. "M" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 206 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED FOR THE PURPOSE OF RESTRUCTURING THE LEGISLATURE BY REDUCING THE NUMBER OF LEGISLATORS

Introduced: 5/14/18
By Messrs. Higgins, Dawson and Domalewicz:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER

BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. The Albany County Charter is hereby amended by amending Section 206. Districts to read as follows:

Section 206. Districts. For the purpose of electing County Legislators, the County shall be divided into [thirty] twenty nine districts. One County Legislator shall be elected to the County Legislature of the County from each of the districts. The [thirty] twenty nine districts within the County shall be as described in apportionment plans duly adopted by the County Legislature.

SECTION 2. Upon release of the 2020 federal census and thereafter, the County Legislature shall redraw legislative boundaries to provide for twenty nine (29) [five (25)] legislative districts, effective for the 2023 general election and thereafter, with the term of office to commence January 1, 2024, and amend the Administrative Code to define the redrawn legislative districts.

SECTION 3. Severability. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. Effective Date. Pursuant to Municipal Home Rule Law sections 23 and 33, this local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a special election occurring not less than sixty days after the adoption this local law.

Referred to Law Committee – 5/14/18
LOCAL LAW NO. N FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 1101 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO PROMOTE THE HIRING OF AN ECONOMIC DEVELOPMENT DIRECTOR

Introduced: 5/14/18
By: Drake, Smith

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER

BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. Section 1101 of the Albany County Charter is hereby amended to read as follows:

There shall be a County Department of Economic Development, Conservation and Planning headed by a Director. The Director shall be a person qualified by economic development experience which may include professional training and/or demonstrated experience in the related fields of metropolitan, regional, County or municipal planning. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature as provided in Section 302(c) of this Charter, and shall serve at the pleasure of the County Executive.

SECTION 2. If any article, section, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Conservation and Improvement Committee – 5/14/18
RESOLUTION NO. 281

AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER REGARDING RULE 22

Introduced: 6/11/18
By Mr. Clay and Ms. McLean Lane:

WHEREAS, Rule 22 of the Albany County Legislative Rules of Order provides for the rules regarding various committees of the Albany County Legislature, and

WHEREAS, Revision of this portion of the Legislative Rules of Order are in order, now, therefore, be it

RESOLVED, By the Albany County Legislature, Rule 22 of the Albany County Legislative Rules of Order be amended in part to read as follows:

"RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on standing and special committees shall be filled by the Chairperson of the County Legislature from its membership. Vacancies on special committees shall be filled by the Chairperson of the County Legislature. The majority leader, [and] the minority leader and Chairperson of the Legislative Black Caucus shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of standing committees from the membership of the County Legislature as recommended by the majority and minority leaders. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature. No meetings of any Special Committee of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday."

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairman of the Legislature and the appropriate County Officials.

Referred to Law Committee - 6/11/18
LOCAL LAW NO. 0 FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REAPPORTIONMENT

Introduced: 05/31/18
By: Ms. Cunningham, Mr. Crouse, Ms. Willingham, Messrs. A. Joyce, Domalewicz, Fein, Higgins, Ms. Lekakis, Mr. O’Brien, Ms. Plotsky, Messrs. Simpson, Mayo, Reinhardt, Ms. McLean Lane, Messrs. Bullock and R. Joyce

Statement of legislative findings and intent.

The Albany County Legislature hereby embraces the creation of the Albany County Commission on Reapportionment, (the Commission) which will facilitate a non-partisan, independent, inclusive and participatory redistricting process for the County’s legislative redistricting following the next federal census in 2020, and thereafter. Pursuant to law, the County’s legislative districts must be adjusted in accordance with the relative population growth and shifts as indicated in the census to ensure that fair representation for each resident is maintained.

The legislative redistricting process shall be conducted by this independent Commission, which shall be adequately funded to carry out its responsibilities and to hire independent, expert professional staff. Further, the Legislature wishes to tap into the expertise of the newly established Albany County Legislative Black Caucus (adopted as Resolution 125 by unanimous vote of the Albany County Legislature) to facilitate the creation of the Majority Minority District (MMD) Reapportionment Subcommittee, with the purpose of assisting the Commission in providing a laser focus to ensure the fair representation of Albany County minority communities in all aspects of the reapportionment process. It is the intent of the Legislature that the Commission and the MMD Reapportionment Subcommittee shall work collaboratively, in tandem, with a high level of communication and interaction between the two bodies.

The Commission’s members shall not include elected public officials or party officers, family members, legislative staff, or candidates for elective office. The Commission shall be transparent, accountable and function independently, without the undue and improper influence of sitting elected public officials and their representatives. The Commission’s work shall be accomplished through a professional process that invites experts in the areas of redistricting, law, county geography and other important elements that are key to securing a credible, responsive, and accountable redistricting process and outcome.

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:
Section 1. The Albany County Charter is hereby amended by deleting the existing Section 207 and adding a new Section 207 to read as follows:

Section 207. Commission on Reapportionment.

A. A Commission on Reapportionment (identified in this local law as "the Commission") shall be established to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned, when required. Triggering events include, but may not be limited to: (1) upon publication of the results of the federal decennial census for Albany County, (2) upon publication of census tracts and block statistics based upon any federal or special population census taken pursuant to Section 20 of General Municipal Law, and held not more than once every five (5) years, or (3) after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than 10 percent. This process shall occur subsequent to the federal and state reapportionment process, to the extent practicable.

B. Commission Composition

1. The Commission shall consist of nine (9) members who are County residents, registered voters in New York State, but shall not have been in the last four years immediately preceding the creation of the Commission: 1.) a publicly elected official, which shall mean any individual elected to local, county, state or federal office, excluding school board members and library trustees, but including those elected as members of political parties; 2.) a state employee who serves as a political appointee or legislative employee; 3) a political party chairperson or officer. Further exclusions of individuals that may not serve on the Commission are fully identified in Section F.

2. The Commission Members shall be selected to reflect the diversity of the residents of this county with regard to race, ethnicity, gender, language, and geographic residence (including representative of rural/small communities). In selecting Commission Members, the Legislature shall consult with organizations devoted to protecting the voting rights of minority and other populations. These requirements will ensure that the Commission's members are both independent, representative of the County's diverse communities, and sensitive to the critical importance to voters of fair and proper district lines.

C. Majority Minority District Reapportionment Subcommittee – Intent and Functions

1. To ensure that the interests of minority districts are adequately and appropriately incorporated into a redistricting proposal, a special Majority Minority District (MMD) Reapportionment Subcommittee (identified further as the MMD Subcommittee) will be also established that will work collaboratively and in tandem with the Commission. The MMD Subcommittee will be created as a vital component of the Commission’s work and efforts and shall make recommendations to the Commission regarding the configuration of minority districts, with the goal of protecting voting rights of minority
residents and ensuring adequate electoral representation of minority residents residing in MMDs. The unique focus of the MMD Subcommittee shall be to ensure the representation of Albany County minority communities in all aspects of the reapportionment process.

2. The MMD Subcommittee shall have the authority and funds to contract its own outside legal/reapportionment consultant.

3. The intent of the work of the MMD Subcommittee shall be to fully examine the issues unique to the MMD communities and their residents and shall be presented for inclusion into the final report of the Commission.

D. MMD Reapportionment Subcommittee Composition, Appointment Process and Function

1. The MMD Subcommittee shall be appointed by the Albany County Legislative Black Caucus (LBC) and shall consist of seven (7) members who are representative of the minority communities represented by the LBC. MMD Subcommittee Members shall be County residents, registered voters in New York State, but shall not have been in the last four years preceding the creation of the MMD Subcommittee: 1.) a publicly elected official, which shall mean any individual elected to local, county, state or federal office, excluding school board members and library trustees, but including those elected as members of political parties; 2.) a state employee who serves as a political appointee or legislative employee; 3.) a political party chairperson or officer. Further exclusions of individuals that may not serve on the MMD Subcommittee are fully identified in Section F.

2. Appointments to the MMD Subcommittee shall be made in the year of the census, after extensive, repeated solicitation by the Albany County Legislature of potential appointees that are knowledgeable, capable, interested and experienced in the reapportionment field. The Albany County Legislature shall use all communication means necessary to educate the public on the Commission and MMD Subcommittee process and need for appointees.

3. After a County-wide solicitation of potential appointees, the Chair of the LBC shall appoint two (2) representatives who shall serve on the MMD Subcommittee and subsequently, the additional Members of the MMD Subcommittee shall be selected by a majority vote of the LBC. In the event that the LBC members cannot agree on any individual member of the MMD Subcommittee, the Chair of the LBC shall make the final selection of the potential candidates under discussion. The MMD Subcommittee shall select its own leadership by voting on a Chairperson at its first meeting.

4. The MMD Subcommittee will be required to hold its own hearings and public forums to collect and consider the inputs from impacted communities, as well as the county communities at large. The subsequent work products of the MMD subcommittee, including the drawing of the maps of the MMD districts, shall be presented for inclusion into the final report of the Commission. The Commission shall, upon the receipt of the report from the MMD, reflect its consideration and prepare a written report to the Legislature that documents its consideration of the recommendations of the MMD Subcommittee prior to the submission of the final report to the Legislature for vote.
E. Commission Membership and Process

1. In the year of the census, the Albany County Legislature shall solicit interest widely throughout Albany County for knowledgeable, interested and capable individuals to serve on the Commission. To encourage interest of the widest possible pool of qualified and knowledgeable individuals, the County Legislature shall regularly use all communication means necessary to solicit interest in serving on the Commission and the MMD Reapportionment Subcommittee. Interested individuals shall provide to a designated County email or mailing address information that shall include but not be limited to: resume, credentials, any relevant expertise in the reapportionment and legal fields, community background and experience and other important information regarding the individual’s capacity and interest in serving on the Commission.

2. It is the intent of the Legislature that because the Commission appointees will reflect a cross section of backgrounds, expertise, interests and credentials, a broad solicitation of diverse individuals is required. The members of the Commission shall reflect the diversity of the residents of Albany County with respect to socio-economic status, race, ethnicity, gender, sexual orientation, and geographic residence, including the representation of rural and small communities.

F. Commission Independence

1. To further ensure that the Commission’s Members are independent, the following individuals shall be removed from the applicant pool:

a. Within the four years immediately preceding the creation of the Commission, or any subsequent Commissions under this law, or through their term of service on the Commission, neither the applicant, nor a member of his or her immediate family, may have done any of the following:

   (i) Been appointed to, elected to, or have been a candidate for federal, state, county, or local office, excluding school board members, library trustees, and fire commissioners districts;

   (ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal, state, county, or local office;

   (iii) Served as a paid Congressional or State political appointee or employee of the State Legislature;

   (iv) Been an Albany County employee, or paid consultant;

b. Staff and consultants to, persons under a contract with, or any person with an immediate family relationship with any county or publicly elected official, excluding school board members, library trustees and fire commissioners, are not eligible to serve as commission members. As used in this subdivision, a member of a person’s "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including spouse, parents, children, siblings, and in-laws.
G. Timing of Commission Appointments

1. All appointments to the Commission or the MMD Reapportionment Subcommittee shall be made in the year of the census, after extensive solicitation of appointees that are expert, knowledgeable and experienced in the reapportionment field. Initial appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and must be made by the time the census data becomes available. The 9 (nine) Appointments shall be made to the Commission in the following manner: Three (3) members shall be appointed by the Chairperson of the Albany County Legislature, three (3) members shall be appointed by the Majority Leader of the County Legislature and three (3) members shall be appointed by the Minority Leader of the County Legislature. The Commission shall select its own leadership by voting on a Chairperson at its first meeting.

2. Vacancies in the membership of the Commission shall be filled within thirty days (30) in the manner provided for in the original appointments.

H. Request for Proposal Process

1. The Commission and MMD Subcommittee shall expeditiously issue two (2) Requests for Proposals (RFPs) for map drawing services, one for Majority Minority districts (MMD) and the other for the entirety of Albany County. Together with the Albany County Division of Purchasing the Committee and Subcommittee shall be empowered to create and draft RFP's consistent with Article 13 of the Albany County Charter, the Albany County Procurement Policy, and any relevant state or federal laws. Both RFPs (the Commission and the MMD Subcommittee) shall be evaluated based on their ability to produce maps and supporting data, and engage in publicly informed and participatory processes that eventually produce successfully drawn maps that reflect the goals identified in Section I. Out of the RFP Process, the selected entities shall provide map drawing expert resources, modeling of districts, data-driven analysis that shall assist the Commission and MMD Subcommittee in fully understanding and determining the impact of the redistricting process.

I. Compliance and Adherence with Appropriate Federal Laws and Equal Representation Goals

1. The Commission, the MMD Reapportionment Subcommittee, staff and the consultant(s) hired under the RFP shall comply with the requirements of 52 U.S.C. 1001 (Section 2 of the Voting Rights Act of 1965) and in all subsequent relevant statutes and case law.

2. The Commission and the MMD Subcommittee shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider include, but shall not be limited to:
a. whether such lines would result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights. Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice;
b. shall minimize population variance, to the extent practicable, among districts in accordance with federal law, but in no instance shall a district's population exceed 105% or be less than 95% of the ideal district size;
c. each district shall consist of contiguous territory;
d. each district shall be as compact in form as practicable;
e. districts shall be consistent with existing municipal and rural boundaries, and neighborhoods within Albany County; and balance and reasonableness for the diversity of citizens residing in all parts of the County;
f. the places of residence of incumbents or candidates shall not be identified or considered;
g. party registration shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals with party voting history and participation included.

J. Commission and MMD Subcommittee Appropriations, Staffing and Operations:

1. In the fiscal year prior to the establishment of the Commission, the Legislature shall appropriate funding for all aspects of the activities of the Commission and the MMD Subcommittee. These funds shall provide for all expenses of the work of the Commission and MMD Subcommittee, funds for the compensation of consultants, and staff, as well as funding for any duties that the County Legislature shall deem necessary to facilitate the performance of the Commission and MMD Subcommittee's duties identified in this Local Law. The Commission and MMD Subcommittee shall establish clear criteria for the securing and overseeing of staff and consultants, communications protocols and processes, and a code of conduct. The Commission shall apply the conflicts of interest listed in subdivision F to the hiring of staff to the extent practicable. The Commission shall require that legal counsel hired by the Commission have demonstrated and extensive experience and expertise in reapportionment processes, and in the implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.).

2. Commission and MMD Subcommittee members and staff shall exercise the highest standards of conduct, and disclose to Commission/MMD Subcommittee colleagues substantive communications with publically elected officials, staff and other public officials that occur outside public hearings or meetings of the Commission and MMD Subcommittee.

3. The Commission and the MMD Subcommittee will work in a process that allows for timely input from the County Legislature and its members and allows for the maximum amount of public participation, engagement, and comment. The Commission and the MMD Subcommittee will be committed to full transparency and accountability including the timely posting of its meetings, agendas, minutes, data and any relevant reports or information that is included in the body of work of the Commission and the MMD
Subcommittee.

4. All meeting minutes, notes, documents, reports, and any work product of the Commission and MMD Subcommittee shall be maintained and preserved as official documents of the reapportionment process and housed by the Office of the Clerk of the Albany County Legislature. The Commission and MMD Subcommittee will work collaboratively and closely together, with full discussion and dialogue taking place between the two structures. The Commission and MMD shall have the authority to solicit information and expert opinion from government agencies and staff as they see fit.

K. Commission and MMD Reapportionment Subcommittee Hearings/Public Comment Periods and Public Access to Information:

1. During the preparation of the redistricting plan, the Commission working closely and in collaboration with the MMD Subcommittee shall conduct not less than four (4) public hearings throughout the County. The MMD Subcommittee shall be empowered to hold its own public hearings for additional community input. These public hearings shall be publicized widely, with ample notice to ensure the maximum level of citizen participation and engagement. The purpose of the public hearing process is to promote a high level of understanding of the process and its implications to the public, to provide expert presentations and access to Commission and MMD leaders, staff and consultants, allow for ample public comment, and to communicate the process of the reapportionment process to the public. All public hearings should be publicized and information about the meetings should be widely disseminated. The Albany County website shall be the venue for the distribution and publication of all information regarding the work of the Commission and MMD Subcommittee.

2. The Commission and the MMD Subcommittee shall make available to the public, on the Albany County website and through electronic media efforts, any draft redistricting plans and concepts, relevant data, and related information, except that information which is protected by law, privileged information or otherwise deemed confidential. Such plans, data, and information shall be in a form that allows and facilitates their use by the public to review, analyze, and comment upon such plans. The Commission can adjust its redistricting outline based on input received from the public. Prior to the final redistricting plan being presented for adoption by the Legislature, the Commission shall conduct an additional and final public hearing to ensure that the residents of Albany County have ample opportunity to understand, provide comment and feedback on the final report. The Commission shall report the findings of all public hearings in a written report to the legislature upon submission of the final redistricting plan.

L. Final Report of the Commission

1. The Commission shall submit its final report in the form of a proposed local law to the Clerk of the County Legislature within thirty (30) days after the final report is completed for distribution to the members of the Legislature.

2. No later than 30 days after receiving the final report, the Chairperson of the County Legislature shall submit to the County Legislature consider the recommendations included in the Commission's final reapportionment report in the form of a proposed
local law, for consideration by the full Legislature. No later than sixty (60) days after its submission by the Chairperson, the proposed local law shall be forwarded to the full legislature for consideration. The County Legislature may then and by a majority vote of the whole number of its members choose to adopt such proposed local law the Commission’s report on legislative districts. Should the final report be rejected by the Legislature fail to adopt the Commission’s report on legislative districts at such time, If such proposed local law is not adopted, the Commission shall be empowered to continue its work through subsequent amendment processes to ensure legislative passage and enactment in a timely manner. The Commission shall submit a revised report to the legislature no later than sixty (60) days after the proposed local law has been returned to it. The Legislature may provide feedback and recommendations to the Commission in order to assist the Commission in providing an updated reapportionment report. The revised report shall be submitted and subsequently introduced in accordance with the requirements of Section L (1) and (2) respectively. The County Legislature shall consider the recommendations included in any updated report. The Commission and its MMD Subcommittee shall be discharged upon the successful conclusion of the Albany County Reapportionment process.

M. Effective Date

1. This Local Law shall take effective immediately upon filing with the Secretary of State. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter shall not become operative unless and until this Local Law is approved by the duly qualified voters of Albany County in the manner prescribed by law at the general election of November 5, 2019.
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RESOLUTION NO. 339

AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING SELECTION OF COMMITTEE CHAIRPERSONS

Introduced: 7/9/18
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, Section 203(f) of the Albany County Charter states “The standing committees prescribed by the rules of the County Legislature, or by any local law adopted by the County Legislature, or which may hereafter be adopted by the County Legislature, shall be appointed by the Chairperson within twenty (20) days of the Chairperson's election”, and

WHEREAS, It is the intent of this resolution to construct a framework within the Rules of the Legislature per Section 203(f) of the Charter that recognizes the statutory powers of the Chair within said section while giving requisite input from the majority and minority leaders of this body, now, therefore be it

RESOLVED, By the Albany County Legislature that Rules 21 and 22 of the Albany County Legislature's Rules of Order be amended in part to read as follows:

RULE 21 - STANDING COMMITTEES

The following standing committees, to consist of [nine] ten members for each committee, shall be appointed by the permanent Chairperson of the County Legislature from the membership of the County Legislature within twenty (20) days after said Chairperson's election, and a list thereof shall be filed with the Clerk of the Legislature, and each committee shall perform the duties as hereafter set forth.

The Chairperson of the County Legislature shall appoint Chairpersons of standing committees from the membership of the County Legislature as recommended by the majority leader and minority leader. The majority leader shall recommend one committee's chair position, and then followed by the minority leader recommending one committee's chair position. It shall continue in this fashion until the minority leader has recommended all of his or her's allocated chairman appointments which shall be in the same ratio as the minority members of the legislature are to the entire membership of the Legislature rounded up or down to
the nearest whole person. In instances where the recommendation of the majority or minority leader is rejected by the Chairperson of the Legislature, then the majority or minority leader shall retain the ability to resubmit additional names until one is approved by the Chairperson.

Within thirty (30) days of the listing of the committee assignments, each Committee Chairperson shall assign and officially list a time and a day for the regular monthly committee meetings. No Standing Committee of the Albany County Legislature shall meet on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. The Committee Chairperson may cancel any meeting if there is no business for the Committee. In the event a member cannot attend a “rescheduled regular meeting” and to the extent it is legally permitted, such member may submit to the Chairperson a written statement of their opinion on business items which are on the Committee’s agenda and those written opinions shall become part of the Committee’s minutes.

Each and every Committee Chairperson shall, to the extent practicable, submit a copy of the Committee Agenda no later than forty-eight (48) [twenty-four (24)] hours prior to the scheduled Committee meeting. Every committee meeting shall be open to the public, however, this provision shall not preclude the right of the Chairperson to call for an executive session.

Vacancies on standing committees shall be filled by the Chairperson of the County Legislature as recommended by the majority and minority leaders from the membership of the Legislature.

RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on [standing and] special committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from [its] the membership of the Legislature. [Vacancies on special committees shall be filled by the Chairperson of the County Legislature.] The majority leader and the minority leader shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of [standing] special committees from the membership of the County Legislature as recommended by the majority leader and minority leader[s]. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature.] No meetings of any Special Committee of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday.
and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

Referred to Law Committee – 7/9/18
RESOLUTION NO. 340

AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING RATIO OF COMMITTEE MEMBERS

Introduced: 7/9/18
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Duplicative and improperly placed language currently exists in our Rules of Order regarding specific assignments to standing committees, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, All of the aforementioned clauses should be construed to help effectuate the most transparent and publicly engaging legislative body as possible which will be facilitated by the adoption of the following amendments, now, therefore be it

RESOLVED, By the Albany County Legislature that Rules 21 and 22 of the Albany County Legislature’s Rules of Order be amended in part to read as follows:

RULE 21 - STANDING COMMITTEES

The following standing committees, to consist of [nine] ten members for each committee, shall be appointed by the permanent Chairperson of the County Legislature from the membership of the County Legislature within twenty (20) days after said Chairperson’s election, and a list thereof shall be filed with the Clerk of the Legislature, and each committee shall perform the duties as hereafter set forth.

The Chairperson of the County Legislature shall appoint members of standing committees from the membership of the County Legislature as recommended by the majority and minority leaders. The total number of majority members within all committees shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature rounded up to the nearest whole person for fractions consisting of ½ percent or higher and rounded down to the nearest whole person for fractions consisting of less than ½ percent. The majority leader shall recommend his or her first choice for each committee followed by the minority leader who shall then recommend his or her first choice for each committee, thereby constituting the first two members of each committee. It shall continue in this fashion until the minority leader has recommended all of his
or her's allocated committee appointments which shall, in totality, be in the same ratio as the minority members of the legislature are to the entire membership of the Legislature rounded up or down to the nearest whole person. In instances where the recommendation of the majority or minority leader is rejected by the Chairperson of the Legislature, then the majority or minority leader shall retain the ability to resubmit additional names until one is approved by the Chairperson.

Within thirty (30) days of the listing of the committee assignments, each Committee Chairperson shall assign and officially list a time and a day for the regular monthly committee meetings. No Standing Committee of the Albany County Legislature shall meet on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. The Committee Chairperson may cancel any meeting if there is no business for the Committee. In the event a member cannot attend a “rescheduled regular meeting” and to the extent it is legally permitted, such member may submit to the Chairperson a written statement of their opinion on business items which are on the Committee’s agenda and those written opinions shall become part of the Committee’s minutes.

Each and every Committee Chairperson shall, to the extent practicable, submit a copy of the Committee Agenda no later than forty-eight (48) [twenty-four (24)] hours prior to the scheduled Committee meeting. Every committee meeting shall be open to the public, however, this provision shall not preclude the right of the Chairperson to call for an executive session.

Vacancies on standing committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from the membership of the Legislature.

RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on [standing and] special committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from [its] the membership of the Legislature. [Vacancies on special committees shall be filled by the Chairperson of the County Legislature.] The majority leader and the minority leader shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of [standing] special committees from the membership of the County Legislature as recommended by the majority leader and minority leader[s]. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature.] No meetings of any Special Committee of the
RESOLUTION NO. 341

AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING DUTIES AND POWERS OF LEGISLATIVE LEADERS

Introduced: 7/9/18
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, Section 203(d) of the Albany County Charter explicitly instructs for the election of a Chairperson of the Legislature at each organizational meeting while leaving the remainder of the process to be defined by the Rules of the Legislature, and

WHEREAS, It is already existing practice to have a compensated chairperson with specific duties and non-compensated deputy chairpersons with specific duties and those duties and selection processes should be enumerated in our rules, now, therefore be it

RESOLVED, By the Albany County Legislature that Rule 1 of the Albany County Legislature’s Rules of Order be amended in part to read as follows:

RULE 1 - ORGANIZATIONAL MEETING

The meeting of the County Legislature for the selection of a Chairman and the transaction of other business relative to organization, pursuant to Section 203 of the Albany County Charter, shall be held each even numbered year at 7:30 p.m. in the Chambers of the County Legislature on the first Monday following the first day of January except that in each and every year following the election of the Legislators, the meeting shall be held in the Chambers of the Legislature on the first day of January at 12:00 noon. The Clerk of the Legislature shall serve on each member a written notice, mailed to each member’s last known post office address, at least 48 hours before the date of the meeting, stating the time and date of said meeting and identifying the place and purpose as being the organization of the Legislature and the election of its Chairperson and Deputy Chairpersons.

During the organizational meeting, in addition to a Chairperson of the Legislature being elected, a Deputy Chairperson from both the majority and minority caucuses shall be elected by a vote within their own caucus. A caucus shall
be defined as a political group of legislators with like-minded philosophies and affiliations. If a caucus is constituted by a majority of the Legislators, then it is called the Majority Caucus. The group constituting a minority of the Legislators will be called the Minority Caucus. Members of either caucus are not restrained by their caucus and are free to vote their conscience.

It shall be the responsibility of the Chairperson of the Legislature to conduct the Legislature in an orderly and efficient manner in accordance with the Rules of Legislature. It shall also be the responsibility of the Chairperson to disseminate information on resolutions, local laws and other pertinent matters affecting the County to the members of the Legislature. The Chairperson shall staff the Office of the Chairperson to accomplish these responsibilities. The Chairperson is a paid position with compensation established by the Legislature.

The duties of the Deputy Chairpersons of the Legislature shall be limited to conducting Legislative meetings in the Chairperson’s absence. This duty shall alternate between the two Deputy Chairpersons with the majority Deputy Chairperson going first. Each Deputy Chairperson position is a non-compensated position.

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

Referred to Law Committee – 7/9/18
LOCAL LAW NO. "R" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING
ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE
INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY
PERSON

Introduced: 7/9/18
By Messrs. Fein, Simpson and Bullock:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Title

This local law shall be known as the "Welcoming Albany County Act"

Section 2. Legislative Intent

The Legislature finds that Albany County has a diverse population, with
residents from many different cultures and backgrounds, including many different
races, ethnicities, faiths, and national origins.

The Legislature further finds that the residents of Albany County benefit
from the County's diverse cultural heritage.

The Legislature further finds that it is in the best interest of the residents of
Albany County to be a welcoming place for all people of all walks of life with no
deferece to nationality or citizenship.

Therefore, the purpose of this local law is to ensure that Albany County is a
welcoming place for all individuals and that Albany County officials do not
investigate individuals' immigration or citizenship status, do not participate in the
enforcement of Federal immigration law, and leave the enforcement of Federal
immigration law to Federal officials.

Section 3. Definitions

As used in this local law, the following terms shall have the meanings
indicated:

A. "Administrative warrant" means an immigration warrant of arrest, order
to detain or release aliens, notice of custody determination, notice to appear,
removal order, warrant of removal, or any other document, issued for a civil
immigration enforcement purpose and that is not issued or signed by a judge
appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631. This definition includes, but is not limited to, administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database. This definition does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and New York law.

B. "Agency" means every Albany County department, agency, division, commission, council, committee, board, or other body established by authority of a local law, resolution, or executive order, and shall encompass, for the purposes of this local law, all contractors performing work on behalf of the county.

C. "Agent" means any person employed by or acting on behalf of an agency or county contractor.

D. "CBP" means the United States Customs and Border Protection agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

E. "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-918, Supplement B, or any successor forms) for purposes of obtaining a U visa, or by Section 1184(c) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-914, Supplement B, or any successor forms) for purposes of obtaining a T visa.

F. "Certifying agency" means Albany County law enforcement agency or other authority that has responsibility for the investigation, prosecution, or sentencing of qualifying criminal activity. "Certifying agency" includes any agency that has criminal investigative jurisdiction in its respective areas of expertise.

G. "Citizenship or immigration status" means an individual’s recorded citizenship or immigration status, as such status is defined in the federal immigration and nationality act, at the time an agent or agency receives such information.

H. "Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other information that can be used as a means of locating or contacting an individual.
I. "Eligible for release from custody" means that the person may be released from custody because one of the following conditions has occurred:

a. All criminal charges against the person have been dropped or dismissed.
b. The person has been acquitted of all criminal charges filed against him or her.
c. The person has served all the time required for his or her jail or prison sentence.
d. The person is ordered to be released from custody pending the disposition of his or her pending criminal case.
e. The person has posted a bond.
f. The person is otherwise eligible for release under state or local law, or local policy.

J. "Family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

K. "ICE" means the United States Immigration and Customs Enforcement agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

L. "Immigration detainer" means a request by ICE or CBP to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody of an individual, including detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include DHS Form I-247-A "Immigration Detainer – Notice of Action"; DHS Form I-247D "Immigration Detainer – Request for Voluntary Action"; DHS I-247X "Request for Voluntary Transfer"; DHS Form I-247N "Request for Voluntary Notification of Release," or any successor forms.

M. "Immigration enforcement operation" means any operation that is primarily for the purpose of identifying or apprehending a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of Sections 1253, 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.
N. "Judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 USC 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

O. "Qualifying criminal activity" means any activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in Section 1351 of Title 18 of the United States Code); or attempt, conspiracy, or solicitation to commit any of the above-mentioned crimes. This list of qualifying criminal activity is not a list of specific statutory violations, but instead a list of general categories of criminal activity. Activity not listed in the first sentence of this definition shall be presumed to be qualifying criminal activity when its nature and elements are substantially similar to any qualifying criminal activity listed herein. Qualifying criminal activity that occurs during the commission of non-qualifying criminal activity shall be considered qualifying criminal activity regardless of whether criminal prosecution was sought for the qualifying criminal activity.

P. "Victim of qualifying criminal activity" means any individual who has reported qualifying criminal activity to a law enforcement agency or certifying agency, or has otherwise participated in the detection, investigation, or prosecution of qualifying criminal activity, who has suffered direct or proximate harm as a result of the commission of any qualifying criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim’s immigration or citizenship status, including the spouse, children under 21 years of age, and, if the direct victim is under 21 years of age, deceased, incompetent or incapacitated, parents and unmarried siblings under 18 years of age of the direct victim. A bystander victim may also be considered as a “victim of qualifying criminal activity.” More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this definition, the term “incapacitated” means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disappearance.

Section 4. Requesting information prohibited
No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person, except as may be required under Section 10 of this local law, unless such inquiry or investigation is required by court order. Notwithstanding this provision, the Albany County attorney may investigate and inquire about citizenship or immigration status when relevant to potential or actual litigation or an administrative proceeding in which the county is or may be a party.

Section 5. Conditioning benefits, services, or opportunities on immigration status prohibited

A. No agent or agency shall condition the provision of Albany County benefits, services, or opportunities on matters related to citizenship or immigration status unless required to do so by state or federal law, or court order.

B. Where presentation of a driver’s license or identification card issued by New York State or any U.S. State or U.S. territory is accepted as adequate evidence of identity, presentation of a photo identity document issued by another country, such as a driver’s license, passport, or consular identification document or presentation of a photo identity issued by a school, college, or employer located in the United States, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a driver’s license or identification card issued by New York State or any U.S. State or U.S. territory except that this subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

C. In order to ensure that eligible persons are not deterred from seeking Albany County benefits, services, or opportunities, all agencies shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, except as may be required under Section 10 of this local law. Any necessary changes to those policies shall be made within 60 days of the adoption of this local law, consistent with agency procedures.

D. All applications, questionnaires, and interview forms used in relation to Albany County benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or immigration status, other than those required by statute, federal law, or court order, shall be deleted within 60 days of the adoption of this local law.

Section 6. Immigration enforcement actions and Federal responsibility
A. No agency or agent shall stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent, based on any of the following:

a. an immigration detainer;
b. an administrative warrant; or
c. any other basis that is based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

B. No agency or agent shall accept requests by ICE, CBP, or other agencies to support or assist in any capacity with immigration enforcement operations, including but not limited to requests to (1) provide information (including custody status, release date, home address, or work address) regarding persons who may be the subject of immigration enforcement operations except as may be required under Section 10 of this local law, (2) investigate or interrogate such persons, (3) establish traffic perimeters, or (4) otherwise be present to assist or support an operation. In the event an agent receives a request to support or assist in an immigration enforcement operation, he or she shall report the request to his or her supervisor, who shall decline the request, except as may be required under Section 10 of this local law, and document the declination in an interoffice memorandum to the agency director through the chain of command.

C. No agency or agent shall enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other federal law that authorizes or permits state or local governmental entities to enforce federal civil immigration laws.

D. Unless presented with a valid and properly issued judicial warrant, no agency or agent shall:

a. stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent;
b. permit ICE or CBP agents access to a person being detained by, or in the custody of, the agency or agent;
c. transfer any person into ICE or CBP custody;
d. permit ICE or CBP agents use of agency facilities, information (except as may be required under Section 10 of this local law), or equipment, including any agency electronic databases, for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or
e. expend time to respond to ICE or CBP inquiries or communicate with ICE or CBP regarding a person's custody status, release date, home address, work address, or other information, except as may be required under Section 10 of this local law.
Section 7. Certifications for victims of qualifying criminal activity

A. A certifying agency shall execute any certification requested by any victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider, within 45 days of receiving the request. If the victim seeking certification is in federal immigration removal proceedings, the certifying agency shall execute the certification within 14 days of receiving the request. If the victim or the victim's children would lose any benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of having reached the age of 21 years within 90 days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than 14 days before the date on which the victim or child would reach the age of 21 years. Requests for expedited certification must be affirmatively raised by the victim.

B. If a certifying agency denies a request for certification, the agency shall notify the applicant in writing of the basis for the denial and the process for appealing the denial to the agency head. Within 90 days of receiving an applicant's letter appealing a denial, the certifying agency head shall notify the applicant in writing that the appeal is rejected and the initial denial is upheld or that the appeal is granted and the certifying agency will issue a certification.

C. The head of each certifying agency shall perform, or designate an agent with a supervisory role within the agency to perform, the following responsibilities:

   a. respond to requests for certifications;
   b. provide outreach to victims of qualifying criminal activity to inform them of the agency's certification process; and
   c. keep written records of all certification requests and responses:

D. All certifying agencies shall implement a language-access protocol for non-English speaking victims of qualifying criminal activity.

E. A certifying agency shall reissue any certification within 45 days of receiving a request from the victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider.

F. There is no requirement that there be a current investigation, the filing of charges, a prosecution, or a conviction in order for a certifying agency to provide a certification, and there is no statute of limitations on providing a certification.
G. A certifying agency shall not refuse to provide certifications to applicants with criminal histories or outstanding warrants.

H. Notwithstanding any other provision of this section, a certifying agency's completion of a certification shall not be considered conclusive evidence that the victim has met eligibility requirements for a U or T visa, and completion of a certification by a certifying agency shall not be construed to guarantee that a victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a victim of qualifying criminal activity is eligible for a U or T visa. Completion of a certification by a certifying agency merely verifies factual information relevant to the immigration benefit sought including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification, the certifying agency attests that the information is true and correct to the best of the certifying official's knowledge. If after completion of a certification, the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, then the certifying agency may notify the United States Citizenship and Immigration Services in writing.

Section 8: Federal registry programs

No agency or agent shall expend any time, facilities, equipment, information, or other resources of the agency or agent to facilitate the creation, publication, or maintenance of any federal program to register individuals present in the United States based on their race, religion, gender, sexual orientation, gender identity or expression, or national or ethnic origin, or the participation of any residents of the Albany County in such a registry.

Section 9. Commitments

A. The county commits to working with community advocates, policy experts, and legal advocates to defend the human rights of immigrants.

B. The Albany County Sheriff's Department will continue to respond to requests from immigrant communities to defend them against all crimes, including hate crimes, to assist people with limited language proficiency, and to connect immigrants with social services.

C. The county recognizes the arrest of an individual increases that individual's risk of deportation even in cases where the individual is found to be not guilty, creating a disproportionate impact from law enforcement operations. Therefore, for all individuals, the Albany County Sheriff's Department will recognize and consider the extreme potential negative consequences of an arrest in exercising its discretion regarding whether to take such an action, and will arrest
an individual only after determining that less severe alternatives are unavailable or would be inadequate to effect a satisfactory resolution.

Section 10. Information regarding citizenship or immigration status

Nothing in this local law prohibits any Albany County agency from sending to, or receiving from, any local, state, federal agency, information regarding an individual's citizenship or immigration status.

Section 11. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 12. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to Law, Public Safety and Audit and Finance Committees – 7/9/18
RESOLUTION NO. 376

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “R” FOR 2018

Introduced: 8/13/18
By: Messrs. Fein and Simpson

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “R” for 2018, “A Local Law of the County of Albany, New York Prohibiting Albany County Government from Assisting in the Investigation of Citizenship or Immigration Status of Any Person,” be held by the County Legislature in the Legislative Chamber, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 28, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law, Audit and Finance and Personnel Committees – 8/13/18
LOCAL LAW NO. "S" FOR 2018

A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY

Introduced: 9/12/18
By Mr. Cahill:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

The Legislature finds that hospitals should post their policies on reproductive healthcare, end-of-life care, non-discrimination, charity care and admissions so that patients are informed whether the medical service they are seeking will be provided to them.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

(a) “Hospital” shall have the same meaning as provided in the relevant section of the New York State Law.

Section 3. Requirements.

A hospital located in Albany County shall publicly post on their web site their policies on reproductive healthcare, end-of-life care, non-discrimination, charity care and admissions.

Section 4. Rules and Regulations.

The Albany County Department of Health may promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this Local Law.

Section 5. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm,
partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This Local Law shall take effect within ninety (90) days of its filing with the Secretary of State.

Referred to Law and Health Committees–9/12/18
RESOLUTION NO. 494

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "S" FOR 2018

Introduced: 10/9/18
By Mr. Cahill:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "S" for 2018, "A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, October 23, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Health Committee - 10/9/18
LOCAL LAW "F" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 AS SUBSEQUENTLY AMENDED TO IMPLEMENT AN ANTI-NEPOTISM POLICY

Introduced: 3/12/18
By: Mr. Drake

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Local Law No. 8 for 2011 is amended as follows:

Section 1. Section 5 of Local Law No. 8 for 2011, entitled "Code of Ethics for County Officers and Employees" is amended to read as follows:


(a) Notwithstanding the exceptions in article (b) of this subsection, Relatives of elected County officials are prohibited from being hired or appointed for any paid position that qualifies as a Policy Making Official or High-Ranking County Position, or for any position indicated in Appendix A. Nothing in this section shall be construed to prevent the appointment of Relatives of elected County officials who voluntarily serve on County boards, commissions, and advisory councils with no compensation.

(b) Should a supervisory official seek to hire an individual who is barred from County employment per article (a) of this subsection, the following criteria must be met first:

(i) The supervisory official shall request an advisory opinion per this local law regarding employment of said individual from the Ethics Commission.

(ii) The Ethics Commission shall issue an opinion and recommended course of action and forward it to the personnel committee of the Legislature. The opinion should include, but not be limited to, potential conflicts of interest and appearances of impropriety. The Ethics Commission may inquire about the other candidates for the position in question and require that said candidates' resumes be provided.

(iii) Only after the Ethics Commission has issued its opinion shall said individual appear before the personnel committee of the County Legislature to be questioned regarding background, education, experience, work history, or any other inquiry deemed relevant by a member of the Legislature.
(iv) The personnel committee of the County Legislature may at their discretion then choose to refer said appointment to the whole Legislature for a vote if, and only if, the Ethics Commission has rendered a positive opinion of said appointment. The final vote by the full Legislature shall be taken by long roll call with a simple majority of legislators in the body necessary for passage.

The former subsection "10" in Section 5 shall be re-designated as subsection "11", and all subsequent subsections shall be re-numbered accordingly.

Section 2. Applicability and Effective Date

This local law shall not apply retroactively. Individuals who were hired by the County of Albany on or before the effective date of this local law shall not be impacted.

Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers and amends the Albany County Charter, shall be subject to a mandatory referendum. This local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a general or special election occurring not less than sixty days after the adoption of this local law.

Referred to Law Committee – 3/12/18
Without Recommendation Law Committee – 10/9/18

Mr. Bullock made a motion to call the previous question, duly seconded, and on long roll call the following members voted in favor: Messrs. Beston, Bullock, Burgdorf, Ms. Chapman, Messrs. Clay, Clebanan, Commissio, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Feeney, Fein, Grimm, Higgins, Hogan, A. Joyce, R. Joyce, Ms. Lekakis, Messrs. Lockart, Mauriello, Mayo, Mss. McKnight, McLean Lane, Mr. Miller, Ms. Plotshy, Messrs. O'Brien, Signoracci, Smith, Stevens, Touchette, Tunny, Ward and Ms. Willingham – 36
Those opposed – 0
The motion was adopted
Referred to Law Committee – 10/9/18
LOCAL LAW NO. "T" FOR 2018

A Local Law of the County of Albany, New York, Amending Various Provisions of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended for the Purpose of Incorporating Term Limits for Certain County Offices

Introduced: 10/9/18
By: Drake

Pursuant to Sections 10 and 33 of the Municipal Home Rule Law and Section 2701 of the Albany County Charter:

Be it enacted by the County Legislature as follows:

Section 1. Section 202 of the Albany County Charter is amended to read as follows:

All County Legislators shall be electors of the County and have been residents continuously in the County and the district represented for at least one (1) year prior to taking office. No person shall serve as a County Legislator for more than three (3) total four-year terms. No service for a partial term as a County Legislator shall be included in calculating the three (3) term limit. Each County Legislator shall reside in the district from which that County Legislator seeks election at the time of nomination for office, and continue to be a resident of the County and of the district within the County which she represents for the entire term of her office, subject, however, to the following exception: in the case of an election immediately following the reapportionment of County Legislative Districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either the district of residence, or any newly drawn district which is contiguous to the district of residence, provided that the County Legislator shall become a resident of the district represented prior to taking office. Members of the County Legislature shall be nominated at the primary election in the same manner other County officers are nominated pursuant to the provisions of the Election Law.

Section 2. Section 301 of the Albany County Charter is amended to read as follows:

There shall be a County Executive who shall be an elector of the County, have been residing continuously in the County for at least one (1) year preceding her election, and be elected from the County at large. Her term of office shall be four (4) years and begin on the January 1 following her election. No person shall serve as a County Executive for more than three (3) total four-year terms. No service for a partial term as a County Executive shall be included in calculating the three (3) term limit. The election for County Executive shall be conducted at the general election of 1995, and at general elections every fourth year thereafter. At the time of her election and throughout her term of office, she shall be a qualified elector of the County and hold no other public office. Commencing January 1, 1995, she shall not hold the position of chair, vice chair, secretary or treasurer or other comparable office of a County political party committee. The County Executive shall receive such compensation for her duties as fixed by the County Legislature. The compensation of the County Executive shall not be increased nor decreased during her term of office.
Section 3. Section 402 of the Albany County Charter is amended to read as follows:

The Comptroller shall be a qualified elector of the County, and have been a resident continuously in the County for at least one (1) year preceding her election, and be elected from the County at large. The term of office of the Comptroller shall be four (4) years, and shall begin on January 1 next following her election. No person shall serve as a Comptroller for more than three (3) total four-year terms. No service for a partial term as a Comptroller shall be included in calculating the three (3) term limit. The election for Comptroller shall be conducted at the general election of 1995, and at general elections every fourth year thereafter. She shall hold no other public office. Commencing January 1995, she shall not hold the positions of chair, vice-chair, secretary, treasurer or comparable office of a County political party committee. The compensation of the Comptroller shall be fixed by the County Legislature and not be increased nor decreased during her term of office.

Section 4. Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date

This local law shall not become effective until January 1, 2020.

Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers and amends the Albany County Charter, shall be subject to a mandatory referendum. This local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a general or special election occurring not less than sixty days after the adoption of this local law.

Referred to Law Committee - 10/9/18
RESOLUTION NO. 524

Reaffirming the Terms of Local Law “L” for 2018

Introduced: 11/13/18
By: Burgdorf

WHEREAS, The Albany County Legislature enacted Local Law No. “L” for 2018 entitled “A Local Law of the County of Albany, New York Regulating the Use of Polystyrene Foam Disposable Food Service Ware and Requiring the Use of Compostable or Recyclable Food Service Ware by Food Service Establishments in Albany County by Amending Local Law No. 4 for 2013”, and

WHEREAS, Said legislation was signed by the County Executive, filed with the Office of the Secretary of State, and has thereby been enacted and will take effect six months subsequent to filing in the Office of Secretary of State, and

WHEREAS, The Legislature was concerned with the potential negative impacts of the aforementioned legislation, including impacts on not-for-profit entities, and therefore included Section 6 entitled “Waiver” in the legislation which authorized the Albany County Department of Health to grant a waiver from the application of specific provisions of the legislation if there is undue financial hardship or other factors which would render compliance unreasonable, and

WHEREAS, The Commissioner of Health has stated that the regulatory structure and the waiver - which “shall not be unreasonably denied” - has not yet been drafted and approved, and

WHEREAS, Albany County Legislators specifically identified the financial impact on not-for-profit entities who service senior citizens and other frail communities in the County by providing them congregate meals and home delivered meals as likely applicants for Section 6 waivers, and

WHEREAS, The Legislature never intended to reduce the nutritional food volume and value of congregate and home delivered meal programs in order to make up for increases in pricing for temperature retaining packaging costs, and

WHEREAS, The County of Albany has contracts with various not-for-profit entities to provide congregate and home delivered meals to senior citizens and others who may qualify, and

WHEREAS, Many of the aforementioned, as well as additional county associated entities use polystyrene products, especially in the delivery of hot and cold items to citizens, and
WHEREAS, Based upon the information received, the contracts for these services do not permit the not-for-profit entities to increase their contract price if their costs rise, and

WHEREAS, The aforesaid contracts, upon information and belief, do not permit unilateral modifications by either side, including the County of Albany, and

WHEREAS, The County Executive has issued a press release indicating he has signed an executive order that mandates all county agencies and vendors immediately end the use of polystyrene for food, now, therefore be it

RESOLVED, That the Albany County Legislature reaffirms the terms of Local Law “L” for 2018, including Section 6 permitting the Department of Health to issue waivers in certain circumstances, which includes congregate and home delivered meal providers or any County vendor, and, be it further

RESOLVED, That Albany County must have a hardship waiver process in place prior to the effective date of Local Law “L” of 2018, as not having the waiver process in place would deny vendors and businesses who are required to comply with the law their right to appeal to the Albany County Department of Health for a waiver to such law’s provisions, and, be it further

RESOLVED, That the Albany County Legislature hereby indicates to any outside vendor which may experience increased costs because of the elimination of polystyrene containers that the Legislature affirms its support to amend existing contracts, upon proof of such increased costs, and requests that any outside vendor so situated contact the County Attorney to re-negotiate their contract as the County Legislature does not wish Local Law “L” of 2018 to adversely impact its delivery of important constituent programs, and, be it further

RESOLVED, That not-for-profit vendors of the County asserting such increased costs to comply with pre-existing contracts shall be granted an immediate, temporary, automatic waiver from the provisions of Local Law “L” while they negotiate with the County Attorney for additional compensation for compliance with the law.

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

\textit{Referred to Law and Health Committees – 11/13/18}
LOCAL LAW NO. "U" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT OF PROPERTY OWNED BY ALBANY COUNTY WITH HUDSON VALLEY WIRELESS, SUBJECT TO THE APPROVAL OF THE ALBANY COUNTY LEGISLATURE

Introduced: 11/13/2018
By Mr. Smith

BE IT ENACTED by the County Legislature of the County of Albany, pursuant to Section 33 of the Municipal Home Rule Law, as follows:

SECTION 1. Sub-Lease Agreement

Notwithstanding Section 215 of the New York State County Law, the County Executive of Albany County is hereby authorized to enter into a sub-lease agreement with the Hudson Valley Wireless allowing for the placement of high-speed Broadband Internet equipment on real and personal property owned by Albany County, for an original term not to exceed twenty five (25) years, with three (3) successive five (5) year options to renew that will each be subject to the approval by the Albany County Legislature.

SECTION 2. Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. Effective Date

This Local Law is adopted subject to permissive referendum pursuant to Section 24 of the New York State Municipal Home Rule Law.

Referred to Law and Public Works Committees – 11/13/18
21
LOCAL LAW NO. “A” FOR 2019

A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW

Introduced: 1/14/19  
By Mr. Bullock:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

The Legislature hereby finds and determines that hotels should be honest and transparent with their guests regarding disruptions of service such as infestations, construction issues, pickets, and boycotts at their hotels.

The Legislature further finds that hotel guests will frequently be unaware of such issues when they make a reservation at a hotel, and often find it difficult if not impossible to cancel their reservations upon arriving at the hotel and discovering such issues.

The Legislature further finds that fair hotel consumer practices would require hotels to notify guests of any such disruption in service, and should insure refunds and eliminate cancellation fees in the case of such a disruption.

Section 2. Definitions. As used in this Local Law, the following terms shall have the meanings indicated:

(a) HOTEL — A building in which lodging is provided and offered to the public, which is customarily open to transient guests, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel unit may contain a kitchen for extended stay lodgings. Outdoor athletic courts and other outdoor facilities are permitted and may be included with a hotel use.

(b) HOTEL SERVICES — Any services commonly offered by a hotel, including, but not limited to, letting of guest rooms, letting of meeting rooms, provision of food and/or beverage services, provision of banquet services, and provision of spa services.

(c) SERVICE DISRUPTION — The occurrence of any of the following: (i) Any construction at such hotel that creates excessive noise that has the potential to disturb guests in their rooms other than construction that is unplanned and intended to correct an emergency or other situation requiring immediate attention; (ii) Any durational strike, lockout, boycott, or picketing activity at or near a hotel which is related to such hotel; or (iii) Any infestation verified by a licensed exterminator or governmental agency of hotel rooms by bed bugs, lice, or
other insects or vermin that are capable of spreading disease and/or being carried, including on one's person, that has not been remedied by a licensed exterminator.

Section 3. Prohibitions.
(a) Notification of Service Disruption. A hotel must notify, in writing or by electronic mail, each guest who has reserved a room, and any customer who has entered into a booking to utilize hotel services, of any service disruption, including a description of the nature of the service disruption, and of the right to a full refund of the amount paid for any portion of a stay affected by such service disruption. Such notification must be prominent and clear. If such notice is included in a communication containing other information, it must be prominent and clear, in a larger font and different color than the remainder of the communication.
(b) Right to Refund and Prohibition on Penalty for Cancellation. Guests and customers shall be entitled to a full refund of the amount paid for any portion of a stay affected by a service disruption. Hotels may not impose any fee, penalty or other charge, nor retain any deposit in the event a guest or customer cancels a reservation, arrangement or agreement to use hotel services in the event of a service disruption.
(c) If a hotel violates subsection (a) of this section, such hotel shall immediately upon request refund affected guests or customers an amount equal to one hundred percent (100%) of the total cost charged for the night or nights or event affected by the disruption, agreed upon, or quoted to the affected guest or customer, except in cases where commencement of a service disruption make it impractical to provide timely notification.

Section 4. Applicability.
This Local Law shall apply to all actions occurring on or after the effective date as set out in Section 6.

Section 5. Severability.
If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date.
This law shall take effect sixty (60) days following its filing in the Office of the New York State Secretary of State.

Referred to Law Committee – 1/14/19
RESOLUTION NO. 74

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “B” FOR 2019

Introduced: 2/11/19
By Mr. A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “B” for 2019, “A Local Law of the County of Albany Providing Real Property Tax Exemptions for Non-Residential Real Property Converted to Mixed-Use Property Pursuant to New York Real Property Tax Law Section 485-a for Residential-Commercial Urban Exemptions” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, March 26, 2019, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

_Referred to Law Committee - 2/11/19_
RESOLUTION NO. 75

AMENDING RESOLUTION NO. 305-A FOR 2010 REGARDING THE FIRST RESPONDER APPRECIATION PROGRAM IN ALBANY COUNTY IN ORDER TO ESTABLISH THE COMMISSION AND CLARIFY APPOINTMENT OF ITS MEMBERSHIP

Introduced: 2/11/19
By Messrs. Commisso, Feeney, Miller, Cahill and Ms. Chapman:

WHEREAS, Through the adoption of Resolution 305-A for 2010, this Honorable Body recognized the invaluable services that emergency personnel and first responders including, but not limited to, police officers, fire-fighters, and emergency medical technicians (EMT's) provide to the citizenry of Albany County on a day-to-day basis, and

WHEREAS, In order to properly reflect the debt of gratitude that Albany County owes to these first responders, the Albany County Legislature established a twelve (12) member commission via the aforementioned resolution in order to develop a first responder appreciation program, and

WHEREAS, The commission envisioned by Resolution 305-A for 2010 was proposed to be made up of local attorneys, grant writers, municipal leaders, local police and fire chiefs and union representatives who understand the needs of first responders, and

WHEREAS, The commission was tasked with the goal of creating a first responder appreciation program whereby Albany County first responders may possibly receive discounts on goods and services at participating establishments and/or establishing a first responder eligibility or preference for educational or home buying grants, and

WHEREAS, To date, this Honorable Body has yet to appoint the membership of the commission, thereby preventing the establishment of an Albany County first responder appreciation program, and

WHEREAS, It has become apparent that the terms of Resolution 305-A for 2010 need to be clarified in order to allow this Honorable Body to effectively appoint the membership of the commission, now, therefore be it

RESOLVED, By the Albany County Legislature that Resolution 305-A is amended to indicate that the twelve (12) member commission shall be composed of members reflecting the groups initially contemplated, and each member shall be appointed by a majority vote of the Albany County Legislature, and, be it further
RESOLVED, The appointments to the commission shall be made at the recommendation of the Majority and Minority Leaders at a ratio which reflects the proportionate make-up of the Albany County Legislature, and, be it further

RESOLVED, That the commission shall serve until a first responder appreciation program is effectively developed and established, and, be it further

RESOLVED, That the commission shall be established, the extent practicable, within 6 months of the adoption of this resolution, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Law Committee - 2/11/19*
LOCAL LAW NO. "B" FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR NON-RESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTION 485-A

Introduced: 2/11/19
By Mr. A. Joyce:

BE IT ENACTED by the Legislature of the County of Albany as follows:

Section 1. Legislative Intent and purpose.

A. By Section 485-a of the Real Property Tax Law, the New York State Legislature authorized towns, cities and villages to provide an exemption from certain taxes for developers and building owners to convert office space and properties, formerly housing warehouse, manufacturing and retail activities, to residential housing units and commercial mixed uses.

B. Section 485-a of the Real Property Tax Law further allows a county in which such towns, cities and villages are located may, by local law, exempt such properties from its taxation in the same manner and to the same extent as such towns, cities and villages have done.

C. The purpose of this local law is to exempt eligible properties from county property taxation and special ad valorem levies applied to conversions of Non-Residential Real Property to Mixed-Use Property in accordance with Section 485-a of the Real Property Tax Law.

Section 2. Definitions.

A. "Municipality" means any town, city or village.

B. "Applicant" means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.

C. "Commercial construction work" means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.

D. "Commercial purpose or use" means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property.

E. "Mixed-use property" means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
F. “Person” means an individual, corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

G. “Residential construction work” means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

Section 3. Exemption granted.

Upon the adoption of a local law by any municipality within Albany County, non-residential real property, upon conversion to mixed-use property, shall be exempt from taxation and special ad valorem levies pursuant to section 485-a of the New York Real Property Tax Law.

For a period of twelve years from the approval of an application with the municipality, the increase in assessed value of such property attributable to such conversion shall be exempt as provided below. Such exemption shall be computed with respect to the “exemption base.” The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value. Such exemption shall be computed in accordance with the following:

<table>
<thead>
<tr>
<th>Year of exemption</th>
<th>Percentage of Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 through 8</td>
<td>100% of exemption base</td>
</tr>
<tr>
<td>9</td>
<td>80% of exemption base</td>
</tr>
<tr>
<td>10</td>
<td>60% of exemption base</td>
</tr>
<tr>
<td>11</td>
<td>40% of exemption base</td>
</tr>
<tr>
<td>12</td>
<td>20% of exemption base</td>
</tr>
</tbody>
</table>

Section 4. Exclusions from exemption

No such exemption shall be granted unless:

(a) Such conversion was commenced subsequent to the date on which the municipality’s local law took effect; and
(b) The cost of such conversion exceeds the sum of ten thousand dollars ($10,000); and
(c) For the purposes of this section the term “conversion” shall not include ordinary maintenance and repairs; and
(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real
property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Section 5. Application

(a) Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the Commissioner of the New York State Department of Taxation & Finance. Such application shall be filed with the assessor of the municipality having the power to assess property for taxation on or before the appropriate taxable status date of such municipality.

(b) The twelve year period of exemption shall be calculated from the date the application was approved by the assessor of any municipality in Albany County, whether or not that date precedes the effective date of this local law, but in no event may this language be construed to allow for retroactive application of this exemption.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State and shall apply to assessment rolls for which an application has been filed with the appropriate assessor prior to the taxable status date of such municipality.

Referred to Law Committee - 2/11/19
December 14, 2018

The Honorable Andrew Joyce
Chairman, Albany County Legislature
Legislative Clerk’s Office
112 State Street, Suite 710
Albany, New York 12207

Dear Chairman Joyce:

The Albany County Department of Residential Health Care Facilities respectfully requests to change the name of the Albany County Nursing Home to Shaker Place Rehabilitation and Nursing Center.

It is our intention, through the rejuvenation project of renovation and new construction, to change our past image. By changing our name, we will be able to start a culture change with our internal and external community. This name change will need to be approved by the New York State Department of Health, once we receive this approval, we will work with our media company to inform the public.

We thank you in advance for allowing us to pursue this change of name.

Sincerely,

Larry I. Slatky
Executive Director

cc: Dennis Feeney, Majority Leader
     Frank Maariello, Minority Leader
     Kevin Cannizzaro, Majority Counsel
     Arnis Zilgme, Minority Counsel
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant

Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names(addresses)):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Scope of Services:
Click or tap here to enter text.
Click or tap here to enter text.

Bond Res. No.:
Date of Adoption:
Click or tap here to enter text.
Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service:
Yes ☐ No ☒
If Mandated Cite Authority:
Click or tap here to enter text.

Is there a Fiscal Impact:
Yes ☐ No ☒
Anticipated in Current Budget:
Yes ☐ No ☐
County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.
Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation
Yes □ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
Albany County Nursing Home is going through a renovation and new construction project. As part of this rejuvenation we have retained the services of a media company to assist us in changing our image in the community, which includes changing our name to Shaker Place Rehabilitation and Nursing Center.
Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

February 11, 2019

Dear Chairman Joyce:

I am submitting the enclosed Request for Legislative Action for approval on behalf of the Albany County Crime Victim and Sexual Violence Center to sign a Memorandum of Understanding (MOU) with The College of Saint Rose. Saint Rose is applying for a three year grant from the U.S. Department of Justice Office on Violence Against Women to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to design and implement a multi-disciplinary, coordinated community response to violence against women. [https://www.justice.gov/ovw/page/file/1113026/download](https://www.justice.gov/ovw/page/file/1113026/download)

This project would provide support and services for the crime victims of Albany County.

Back up material is provided for your review. Please do not hesitate to contact me if you have any questions or require additional information. Thank you for your consideration.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
    Frank A. Mauriello, Minority Leader
    Kevin Cannizzaro, Esq., Majority Counsel
    Arnis Zilgme, Esq. Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services): Contract Authorization

Date: 2/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518-447-7100
Department Rep. Karen Ziegler
Attending Meeting: Karen Ziegler

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☒ Professional Services
☐ Education/Training
☐ Grant
   Choose an item.
   Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
The College of Saint Rose
432 Western Avenue
Albany, NY 12203

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: 0.00
Scope of Services:
This Memorandum of Understanding will partner CVSVC with the College of Saint Rose to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☒ No
Is there a Fiscal impact: Yes ☐ No ☒
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) October 1, 2019- September 30, 2022
Length of Contract: 3 years

Impact on Pending Litigation
If yes, explain: Yes ☐ No ☒
Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 058
Date of Adoption: 3/12/07

Justification: (state briefly why legislative action is requested)
This RLA is to request that the Albany County Crime Victim and Sexual Violence Center to sign a Memorandum of Understanding (MOU) with The College of Saint Rose. Saint Rose is applying for a three year grant from the U.S. Department of Justice Office on Violence Against Women to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking. <https://www.justice.gov/ovw/page/file/1133026/download> This project would provide support and services for the crime victims of Albany County.
Karen Ziegler, LCSW-R, CASAC 2
Director, Crime Victim and Sexual Violence Center
112 State Street, Room 1010
Albany, NY 12207

Dear Karen,

The College of Saint Rose is applying for and committed to obtaining a Federal Grant as a consortium from the Department of Justice, Office of Violence against Women for FY 2018 which if awarded would run from October 2018 through October 2021. The Crime Victim and Sexual Violence Center was a partner in this grant from 2007 through 2010 and we hope you will remain a partner in this effort. The following is a summary of the grant as requested.

Violence against women is rampant on college campuses across the nation. Albany County, New York, with ten colleges and a university in a circumscribed area, is no exception. The Campus Response to Violence Against Women Project will establish a culture on campus where violence against women is not tolerated, victims are supported and empowered, and offenders are sanctioned.

Toward this end, we will institute a Coordinating Council (CC) composed of representatives from each of our college partners, nonprofit and governmental victim services, and criminal justice agency partners. The role of the CC is to design and implement a multi-disciplinary, coordinated community response to violence against women.

With the addition of at least one new college, and possibly two, the project will focus on four primary responsibilities.

**Goal 1:** Create a coordinated community response to violence against women on campus. A coordinated community response consists of both: (a) partnerships with specific community based organizations that are not inherently affiliated with the college or university, and (b) partnerships with departments, offices, and entities within the college or university. The coordinated community response is responsible for ensuring that the campus develops and implements effective policies and practices to prevent and respond to violence against women issues on campus. A victim service organization should provide services to victims of sexual assault, domestic violence, dating violence, or stalking as one of its primary purposes and have a demonstrated history of effective work concerning such issues. The Crime Victim and Sexual Violence Center’s role in this grant would be an intricate part of this coordination of services.

**Goal 2:** Campus Program grantees must establish a mandatory prevention and education program about sexual assault, domestic violence, dating violence, and stalking for all incoming students, working in collaboration with campus and community-based victim advocacy organizations. The mandatory prevention and
education program should include information about domestic violence, dating violence, sexual assault, and stalking.

**Goal 3:** Campus Program grantees must train campus police to respond effectively in sexual assault, domestic violence, dating violence, and stalking cases. All mandatory campus law enforcement training programs should be developed in collaboration with campus or community-based victim advocacy programs and should include information about relevant state and Federal laws and arrest protocols; information on enforcement of orders of protection; and instruction on making primary aggressor determinations.

**Goal 4:** Campus Program grantees must establish or strengthen programs to train members of campus disciplinary boards to respond effectively to charges of sexual assault, domestic violence, dating violence, and stalking. All members of campus disciplinary boards, including faculty, staff, students, and administrators should receive expert training on these crimes. Training topics should include information about the causes and effects of domestic violence, dating violence, sexual assault and stalking; a review of the student conduct code; definitions of domestic violence, dating violence, sexual assault, and stalking; information on the issue of consent in sexual assault cases; how to judge credibility; drug facilitated sexual assault; and the available range of sanctions should the charged student be found responsible by the disciplinary board.

There are also provisions in this grant cycle for equipment and resources that could be shared by the partners in this consortium as long as they fall within the guidelines of the grant.

The Albany County Crime Victims and Sexual Violence Center (CVSVC) is a county-funded crime victim organization that works in conjunction with Equinox, The Legal Project, the District Attorney’s Office, local police, hospitals and campuses to respond to crime victim’s legal advocacy needs and are the local rape crisis center. They provide community education, outreach and direct services with Master’s level counselors. CVSVC staff will provide their services to victims on campus, such as counseling, legal advocacy, hospital and court accompaniment and participate in on-campus education programs and training for volunteers on campus. They will also be a member of the Coordinating Council and share in funding that is provided.

As was the mandate of the previous grant, your signature on a Memorandum of Understanding will be required along with all the other partners of the consortium. As your office is an integral part of the grant, we hope you choose to remain on as a partner so we can continue to draw on your expertise in this field.
HOME OF AN EXCEPTIONAL COLLEGE EXPERIENCE.
External Memorandum of Understanding *

Siena College, The College of Saint Rose, and Sage College of Albany
Campus Response to Violence Against Women Consortium and
Victim Service Providers and Criminal Justice Agencies

Siena College, The College of Saint Rose Campus, and Sage College of Albany
Response to Violence Against Women Consortium will direct an initiative to:

1) Provide effective and prompt direct services and advocacy for campus victims of
   violence against women and create prevention and education programs for new students,
   and other student populations.

2) Develop and implement policy and conduct on-going training sessions on
   violence against women for campus safety and security, judicial affairs, residence
   life and other pertinent campus offices.

3) Improve methods of communication between local law enforcement, campus
   safety and security, and community-based victim service providers to ensure a
   coordinated community response to and more effective prosecution of violence
   against women on campus.

The below signatories will work in close conjunction with the proposed project and its
staff in any manner that will help ensure its effective implementation throughout all
relevant areas of campus life and activities. The overall goals of the project are:

- Prevention of violence against women on campus
- Provision of support and advocacy services for victims
- Prosecution of offenders

The project partners will achieve these goals by developing and implementing
mutually agreed-upon protocols responding to victims of dating violence, sexual assault,
domestic violence, and stalking involving students, staff, faculty or visitors on campuses
of The College of Saint Rose, Siena College and Sage College of Albany. The partners
commit to working together to ensure the success of the project. Members of this
coordinated community response to violence against women are dedicated to an ongoing
evaluation of our services and to expanding membership to include representatives from
constituency groups that work to provide services to underrepresented communities. All
signatories have reviewed and approved the proposed budget.

Equinox, Inc. operates a domestic violence shelter and non-residential victim
services program in Albany County, licensed by the New York State Office for Children
and Family Services. Equinox will be an active partner in the Project, participating in
policy development; student, staff and faculty training; and direct services to victims. A
full-time and part-time staff person will be hired as the primary providers of victim
services and advocacy education programs for students and professional staff. All
program services will be available to College of St. Rose, Siena College and Albany Law
School students and staff, including a 24-hour domestic violence hotline; 30-bed
domestic violence shelter; individual counseling; support groups; court and service
advocacy; and transitional living program. Equinox will refer sexual assault victims for
services at the Albany County Crime Victims and Sexual Violence Center. Equinox staff
will facilitate the Coordinating Council; provide education, outreach and direct victim
services for campus related violence against women; coordinate with the criminal justice
and legal representatives involved; provide on-going advocacy for victims, whether or
not the criminal justice system is involved or the case is resolved; and, review and
provide input into all outreach materials and grant partners’ policies and procedures and
training plans involving violence against women.
Equinox, The Legal Project, the Albany Police Department, the Albany County Office of the District Attorney and the Albany County Crime Victims and Sexual Violence Center successfully collaborated to develop a domestic violence court in the City of Albany.

The Albany County Crime Victim and Sexual Violence Center (CVSVC) is a county-funded crime victim organization that works in conjunction with Equinox, The Legal Project, the District Attorney's Office, local police, hospitals and campuses to respond to crime victim's legal advocacy needs and are the local rape crisis center. They provide community education, outreach and direct services with Master's level clinicians. CVSVC staff will provide their services to victims on campus, such as counseling, legal advocacy, hospital and court accompaniment and participate in on-campus education programs and training for volunteers on campus. They will also be a member of the Coordinating Council. The CVSVC shares the goals of the project of enhancing response to victims of campus violence and better coordination of the justice and campus response but their organization cannot be compensated due to their budgetary restrictions by Albany County, but will provide their services as an in-kind contribution to the project.

The Legal Project of the Capital Women's Bar Association, Inc. will participate in the planning and implementation of training programs for campus staff as well as for student orientation and a train-the-trainer for Orientation Leaders; participate in the Coordination Council, reviewing and assisting in the development of policies and procedures relating to domestic violence, sexual assault, and stalking; provide free civil legal consultations to students victimized by these forms of abuse; providing civil legal representation as appropriate and making referrals to other legal services as necessary.
The Legal Project has a long working relationship with Equinox Domestic Violence Services and the Albany Police Department: providing legal consultations and representation to domestic violence victims referred by Equinox, working in coordination with their victim advocates in individual cases, assisting in community coordination activities in the City and County of Albany, facilitating training for criminal justice and legal professionals in addition to domestic violence advocates in the community, and assisting with the planning and implementation of a domestic violence criminal court in the City of Albany. The Legal Project works closely with the Albany Police Department’s Domestic Violence Unit, assisting with training plans and policy review and working together on coordination activities relating to the domestic violence court and Family Court responses. All of these entities participate in the Albany County Coalition Against Domestic Abuse (ACAADA), a community coordination group that meets monthly to review policy, protocol and institutional and community responses to violence against women as well as plan and implement training and community education.

The Albany County District Attorney’s Office will work closely with the Siena College, The College of Saint Rose, and Sage College of Albany’s Public Safety Offices and other project partners to prosecute those arrested for violence against women (VAW) as the law provides. They will participate in the Coordinating Council and participate in the Campus Public Safety Office and Albany and Colonie Police Department training sessions and presentations to other campus staff. They will refer students to appropriate victim service agencies and provide a liaison to the victims to communicate directly with them on the status of the case or answer questions about the justice process. They will be
a liaison between the criminal justice and medical response, in cases of injury or sexual assault.

The Albany Police Department - Domestic Violence Unit is comprised of two detectives, a civilian case coordinator, and three civilian intake specialists. Together they will work with the colleges' Public Safety Offices to ensure a positive emergency response to domestic violence, sexual assault, dating violence and stalking. The Domestic Violence Unit is accessible to the College's on a twenty-four hour basis to provide investigation, legal advocacy, outreach, community education and training to all college populations.

The Town of Colonie Police Department has a long-standing working relationship with Siena College, the Albany Police Department, the Crime Victims Center, and the District Attorney’s Office. The department’s Victim Specialist will serve as a member of the Coordinating Council. She will work with the Public Safety Department at Siena College in providing emergency response to cases of domestic violence, dating violence, sexual assault, and stalking.

Both Albany and Colonie Police representatives will participate in the Coordinating Council; review internal police policies on domestic violence and sexual assault and implement campus specific protocol language on violence against women; implement policies regarding communication between the campus Public Safety departments, police agencies and District Attorney’s Office when campus violence is reported; implement supervisor and line officer training sessions on responding to campus-related violence against women crimes; and participate in training with the campus Public Safety Departments and other campus staff or student orientation sessions.
Father Kevin Mullen, OFM  
President  
Siena College

Jeanne Obermayer  
Project Director  
Student Affairs Compliance Officer  
Siena College

Dr. R. Mark Sullivan  
President  
The College of Saint Rose

Susan C. Scrimshaw, Ph.D  
President  
The Sage Colleges

Hon. David Soares  
District Attorney,  
County of Albany, NY

Mary M. Seeley  
Executive Director,  
Equinox

Steven Kroloff  
Police Chief,  
Albany Police Department

Lisa A. Frisch  
Executive Director,  
The Legal Project

Steven Heider  
Police Chief  
Colonie Police Department

Karen Ziegler  
Director  
Crime Victim and Sexual Violence Center, County of Albany, NY
27
Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

February 11, 2019

Dear Chairman Joyce:

I am submitting the enclosed Request for Legislative Action for approval on behalf of the Albany County Crime Victim and Sexual Violence Center to sign a Memorandum of Understanding (MOU) with The Legal Project. The Legal Project is applying for a three year grant from the U.S. Department of Justice Office on Violence Against Women to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking. https://www.justice.gov/cvw/page/file/1113026/download

This project would provide support and services for the crime victims of Albany County.

Back up material is provided for your review. Please do not hesitate to contact me if you have any questions or require additional information. Thank you for your consideration.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
    Frank A. Mauriello, Minority Leader
    Kevin Cannizzaro, Esq., Majority Counsel
    Arnis Zilgme, Esq. Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract Authorization

Date: 2/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518-447-7100
Department Rep.
Attending Meeting: Karen Ziegler

Purpose of Request:
☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☒ Professional Services
☐ Education/Training
☐ Grant

Choose an item.
Submission Date Deadline Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
The Legal Project
24 Aviation Road, Suite 101
Albany, NY 12205

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: $0.00
Scope of Services:
This Memorandum of Understanding will partner CVSVIC with the Legal Project to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service:
Yes ☐ No ☒ Click or tap here to enter text.
If Mandated Cite Authority:
Is there a Fiscal Impact: Yes ☐ No ☑
Anticipated in Current Budget: Yes ☑ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) October 1, 2019-September 30, 2022
Length of Contract: Three Years

Impact on Pending Litigation
If yes, explain: Yes ☐ No ☑

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
This RLA is to request that the Albany County Crime Victim and Sexual Violence Center to sign a Memorandum of Understanding (MOU) with The Legal Project. The Legal Project is applying for a three year grant from the U.S. Department of Justice Office on Violence Against Women to implement, expand, and establish cooperative efforts and projects between sexual assault, domestic violence, and dating violence victim service providers and legal assistance providers to provide legal assistance for victims of sexual assault, domestic violence, dating violence, and stalking. <https://www.justice.gov/oww/page/file/1113026/download> This project would provide support and services for the crime victims of Albany County.
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made as of this 15th day of January 2019 by and between the Capital District Women’s Bar Association Legal Project, Inc. (The Legal Project), Equinox Domestic Violence Services, The College of Saint Rose, Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital, Albany County Crime Victims and Sexual Violence Center, DVAP of the Mechanicville Area Community Services Center, Wellspring, Inc. and Eyes Wide Open, collectively referred to as the Project Partners. This MOU will terminate upon the completion of the grant funded program.

WHEREAS, the Project Partners have come together to collaborate to provide trauma-informed services for victims of sexual assault, stalking, intimate partner violence and human trafficking and to support the application by The Legal Project for funding under the Legal Assistance to Victims grant;

WHEREAS, the Project Partners listed above have agreed to enter into a collaborative agreement in which The Legal Project will be the lead agency and named applicant and the other agencies will be Project Partners in supporting this application.

WHEREAS, the Project Partners herein desire to enter into this MOU setting forth the services to be provided by the collaboration; and

WHEREAS, the application prepared and approved by the Project Partners is to be submitted to the Office of Justice Programs on or before January 31, 2019.

I. Description of Project Partners

1. **The Legal Project** is an independent, non-profit civil legal services program to assist the working poor in the Capital District, and has a 23+ year history and reputation for having special expertise in providing domestic violence, dating violence, stalking and sexual assault civil legal assistance and technical assistance to other programs, attorneys and advocates for victims. In response to community need and to provide holistic legal assistance, additional programs have been created in the following areas: free legal advice on any civil legal matter; representing low and moderate income first time home buyers; bankruptcies for low income individuals; foreclosure prevention; survivors of domestic violence and sexual assault; human trafficking; campus violence; immigrant law and immigrant victims of interpersonal violence; and low income people needing end of life issues resolved. Nearly 4,000 people are assisted by The Legal Project annually.

2. **Equinox, Inc.** is the non-profit domestic violence services program which provides a wide range of services for victims of domestic violence and survivors of sexual assault in intimate or dating relationships, including advocacy, support groups and counseling for adults and children, safe shelter, transitional housing and preventative education throughout Albany County. Legal Advocacy, safety planning, counseling and accompaniment to the hospital, police department, court and other agencies are offered to all victims of domestic violence and sexual assault. Equinox operates a 24-hour hotline for victims of interpersonal violence.

3. **Albany County Crime Victims and Sexual Assault Center** is a county-funded agency which provides comprehensive, specialized services to victims of sexual violence, older
adults, homicide survivors, as well as other victims of crime, their family members and friends, or significant others. Services include short term counseling, sexual assault support group, therapy, medical accompaniment and advocacy, legal accompaniment and advocacy, information and referrals, crime victims’ compensation, and community and professional education. The Center operates a 24-hour sexual assault hotline for crisis counseling and advocacy at Albany County hospitals and police stations for victims of sexual assault.

4. The YWCA Northeastern New York’s domestic violence program in Schenectady offers safe shelter, counseling, advocacy, groups, case management, children’s services and post shelter services to women who are victims of domestic violence.

5. The Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital is committed to reducing the trauma of sexual assault, crime, and violence, as well as providing community education for its prevention. In existence since 1979, they are dedicated to creating a supportive, caring environment for victims/survivors and their families to enhance the healing process in the Capital District.

6. Domestic Violence Advocacy Program (DVAP) is a licensed, non-residential domestic violence program providing victims/survivors of domestic abuse and violence, and their families, comprehensive services based on their needs and goals. DVAP is privately located within the Mechanicville Area Community Services Center; providing a safe, comfortable, confidential means of accessing help.

7. Wellspring Domestic Violence Services has been committed to helping survivors of relationship abuse (domestic violence) and sexual assault for over 40 years in Saratoga County. What started to provide basic shelter and crisis services today has a vision of ending relationship and sexual abuse in our community. They provide hotline services, shelter, legal advocacy, counseling and other supports.

8. Eyes Wide Open of NENY addresses obstacles to healing for survivors of trafficking and prostitution by offering rent-free housing, treatment, education and job readiness. They are grounded in universal values of compassion, hospitality and community living. Their program offers rent free housing, trauma informed treatment, medical and mental healthcare, and access to addiction recovery programs. Their focus is on healing the specific traumas these women have experienced, creating real-world tools that each program graduate uses to not only survive, but also thrive and prosper in their home community.

9. The College of Saint Rose, a private, co-educational college located in Albany, NY, was founded in 1920, and serves 4300 students; 69% women and 31% men. Its mission is to provide high-quality education in a safe learning environment and safe working environment. The College delivers distinctive and comprehensive liberal arts and professional programs that inspire its graduates to be productive adults, critical thinkers, and motivated, caring citizens. Its engagement with the urban environment expands the setting for educational opportunities and encourages the Saint Rose community’s energetic involvement and effective leadership in society.

II. History of Relationships
1. The Legal Project and Equinox, Inc. have been working together since 1995 when Equinox, Inc. began referring clients to pro bono attorneys who were trained to represent domestic violence victims, coordinated by the Capital District Women’s Bar Association. In 1998 when The Legal Project began its Domestic Violence Legal Connection program, the two organizations began to work together even more closely – with Equinox, Inc. referring domestic violence victims to The Legal Project for pro bono legal representation in Family Court and the Legal Project’s pro bono attorneys working closely with Equinox, Inc.’s legal advocates. When The Legal Project received a 1999 Legal Assistance to Victims Grant, the collaboration was formalized and expanded to a more structured relationship between the attorneys on The Legal Project’s panel, staff attorneys at The Legal Project and the clients of Equinox in need of services. The Legal Project and Equinox have partnered on several projects including an OVW Reduce Violent Crimes Against Women on Campus consortium grant with the Albany Police Department, Albany County District Attorney’s Office, College of St. Rose, Siena College and the Albany Law School; a NYS Division of Criminal Justice Office on Violence Against Women grant funded from 2006-2014; OVW Transitional Housing Grant funded since 2013; and a NYS Office of Victim Services grant funded since 2014. Both entities are members of the Albany County Coalition Against Domestic Abuse and the Albany City Domestic Violence Court Advisory Committee. In 2018, Equinox subcontracted with The Legal Project to provide civil legal services to victims of crime, under an Office for Victim Services grant.

2. The Legal Project and the Albany County Crime Victims and Sexual Violence Center formally began working together in 2001 when The Legal Project received an OVW Legal Assistance to Victims Grant to provide pro bono legal advice and representation to victims of domestic violence and sexual assault. Since then, they have referred clients as appropriate, coordinated in helping develop prevention and educational programs on college campuses, and worked in collaboration as appropriate on domestic violence and sexual assault cases involving both civil and criminal court intervention. Both entities are members of the Albany County Coalition Against Domestic Abuse and the Albany City Domestic Violence Court Advisory Committee. The Albany County Sexual Assault and Crime Victims Assistance Program is part of the Campus Consortium meetings and also bring together victim assistance programs that assist college students in an on-going group called Stronger Together.

3. The Legal Project and the YWCA Northeastern New York have a long-standing relationship that dates to 1997, when The Legal Project began offering free legal clinics open to all Schenectady County residents at the YWCA. In 1998, when The Legal Project began its Domestic Violence Legal Connection program, the two organizations began to work even more closely – with the YWCA referring domestic violence victims to The Legal Project for pro bono legal representation in Family Court. In 1999, when The Legal Project received a 1999 Legal Assistance to Victims Grant, the collaboration was formalized and expanded to include The Legal Project’s hiring and placement of a part-time attorney on-site at the YWCA of Schenectady for the purpose of domestic violence legal assistance. Currently, The Legal Project is working with the YWCA in a community collaboration that supports the work of this project—the Schenectady County Coordinated Community Response. In 2018, the YWCA subcontracted with The Legal Project to provide civil legal services to victims of crime, under an Office for Victim Services grant.

4. Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital (SACVAP) and The Legal Project have worked together since the inception of The Legal Project, offering
cross-referrals and presenting together on various community forums. In 2018, the relationship was formalized when SACVAP subcontracted with The Legal Project to provide civil legal services to crime victims who access their assistance.

5. The Domestic Violence Advocacy Program (DVAP) of Mechanicville Area Community Services and The Legal Project have worked closely together since 2005, when The Legal Project began holding legal clinics on a monthly basis there, which has expanded to the provision of legal consultations to victims of domestic violence and holding both divorce clinics and wills clinics at the site.

6. Wellspring and The Legal Project have collaborated since 1995, cross referring and more recently, Legal Project attorneys have assisted with providing legal consultations on site to Wellspring clients, whenever possible.

7. Eyes Wide Open (EWO) is an organization in Schenectady, NY that provides housing to adult women who have been victims of human trafficking and works to connect them with services needed. The Legal Project has been working with EWO since EWO opened its shelter in August 2018. Eyes Wide Open refers any trafficking victims with civil legal issues to The Legal Project, which provides an intake and, as appropriate, information, advice, referral, or representation.

8. The College of St. Rose and The Legal Project have collaborated since 2005 in the development and implementation of effective education, prevention and response strategies on campus sexual assault and intimate partner violence, including the creation of a Campus Consortium that include representatives from neighboring colleges and universities, sexual assault advocacy programs, domestic violence service organizations, local law enforcement and district attorneys’ offices. This Consortium, facilitated by the College of St. Rose, meets monthly at The Legal Project office. The Legal Project partnered with the College of St. Rose, Albany Law School and Siena College in an OVW Reduce Violent Crimes Against Women on Campus funded grant in 2011, and worked together in this grant-funded project to help develop state-of-the-art prevention and intervention materials, protocols, campus climate surveys and training programs for students, staff and faculty. In 2016, the Consortium was a project partner with The Legal Project on their Legal Assistance for Victims Grant which focuses on campus violence responses. The Campus Consortium continues to meet monthly and shares information and resources and collaborates on programs with the intent of fostering best practices in the response to campus sexual assault and interpersonal violence. The College of Saint Rose will continue to facilitate those meetings and be the representative of local colleges and universities on this project.

III. Development of Application

As shown in the history of relationships as set forth above, all of the Project Partners have worked closely together in developing their respective programs to serve survivors of sexual assault, domestic violence, stalking, trafficking and other forms of sexual exploitation. The Legal Project and the Project Partners participate in coalition meetings throughout the service area including: The Special Victims Task Force monthly meeting in Schenectady County, the Rape Crisis Coalition of North Eastern NY quarterly meeting, the Albany County Coalition Against Domestic Abuse monthly meetings, the Integrated DV Court & DV Stakeholder’s meeting in Rensselaer County Family Court, the monthly Campus STOP Meetings and the Capital Region Anti-Trafficking Task Force meetings. Project Partners have discussed the lack of sufficient services to serve all of the
holistic legal needs of survivors of sexual assault, stalking, trafficking and sexual exploitation in this region and this application for the Legal Assistance for Victims grant. The Project Partners are all fully supportive of a request for funding that would allow for the development of a comprehensive civil legal assistance project for survivors of sexual assault, stalking, trafficking and other forms of sexual exploitation. The Project Partners have reviewed the RFP, collaborated on the development of the program implementation plan, staffing and budget and reviewed the finalized application and this Memorandum of Understanding.

IV. Roles and Responsibilities of The Legal Project

The Project Partners agree that The Legal Project will provide civil legal services to individuals who are victims of sexual assault, stalking, trafficking and other sexual exploitation of women:

1. The Legal Project will provide high quality, trauma-informed, holistic legal services for individuals who are who are victims of sexual assault, domestic violence, stalking, trafficking and other sexual exploitation of women.

2. Civil legal representation will be made available at no cost to individuals in matters including but not limited to, privacy matters and enforcement of victim/survivor rights; obtaining orders of protection; custody, visitation, child support, and divorce matters; name changes and social security number changes; immigration; landlord/tenant and other housing matters; crime victim compensation and restitution; employment matters including unemployment compensation; educational matters; and other legal services that may become necessary to properly and completely represent survivors.

3. Free, confidential legal consultations will be offered to individuals at The Legal Project offices, via telephone or remotely through Zoom technology to increase availability and timeliness of the provision of information and assistance.

4. The Legal Project will act as a liaison between the individuals who have been victimized and the community service organizations, District Attorney Offices, and college/university as necessary and will work in conjunction with our project partners in advocating for the Student throughout the administrative process or justice-system response.

5. The Legal Project agrees to participate in community coalitions that focus on preventing and assisting survivors of domestic violence, dating violence, sexual assault, stalking, trafficking and other forms of sexual exploitation.

6. The Legal Project will host monthly meetings of a Consortium of colleges and universities in Albany County, along with representatives of the College of St. Rose, Equinox, the non-profit, community-based domestic violence program and the Albany County Crime Victims and Sexual Violence Center

7. The Legal Project agrees to employ one Staff Attorney who will provide free legal services to survivors of sexual assault, trafficking, dating violence, domestic violence and stalking.
8. The Legal Project agrees to employ a Legal Director who will provide appropriate ongoing supervision, coordination and training for all staff, Project Partners and volunteer attorneys working on this project.

9. The Legal Project agrees to employ a Program Manager who will be responsible for general project oversight, outreach, preparation of program reports, grant and personnel management, fiscal oversight and data collection.

10. The Legal Project agrees to employ an Associate Executive Director, who will provide all personnel supervision and human resources management on the project.

11. The Legal Project agrees to employ a Fiscal Manager to allocate grant funds and prepare financial reports.

12. The Legal Project agrees to employ an Outreach and Technology Coordinator who will assist in conducting outreach activities, use social media and other advertising to increase awareness of the program, and coordinate the use of technology for increasing access to services.

13. The Legal Project agrees to recruit, train, manage and mentor a panel of volunteer attorneys to provide civil legal services and act as advisors as appropriate for the civil legal representation of survivors of sexual assault, dating violence, domestic violence and stalking, trafficking and other forms of sexual exploitation.

14. The Legal Project agrees to provide CLE trainings for attorneys on holistic trauma informed civil legal services and human trafficking.

15. The Legal Project agrees to prepare and distribute materials to educate the community on sexual assault, stalking, trafficking and other forms of sexual exploitation and the civil legal services available.

V. Roles and Responsibilities of the Project Partners:

The Partner Partners (the Capital District Women’s Bar Association Legal Project, Inc. (The Legal Project), Equinox Domestic Violence Services, The College of Saint Rose, Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital, Albany County Crime Victims and Sexual Violence Center, DVAP of the Mechanicville Area Community Services Center, Wellspring, Inc. and Eyes Wide Open) agree to the following:

1. To refer survivors for legal services related to sexual assault, dating violence, domestic violence and stalking, trafficking and other forms of sexual exploitation to The Legal Project.

2. To have ongoing, informal communication and regularly participate in appropriate coalition meetings for organizations serving survivors.

3. To provide input to The Legal Project on materials created to educate the community on sexual assault, stalking, trafficking and other forms of sexual exploitation and civil legal rights of survivors.

4. To regularly attend coalition meetings, and

5. To attend at least one CLE presentation presented by The Legal Project for civil legal services for survivors.

6. YWCA of Northeastern NY and Eyes Wide Open will conduct a segment of the CLE training programs to be held during the grant period, with YWCA presenting in 3 CLE
training programs and one day of preparation and Eyes Wide Open for one day of training presentation with one day of preparation.

VII) Total Compensation for Project Partners

1. Equinox, Inc.: $3,250 for participation in CLE attorney training, campus-based training relating to legal assistance, and participation in the regular Consortium meetings and in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.

2. YWCA of Northeastern NY: A Trainer from YMCA of Northeastern New York will present at an annual one day CLE training on interpersonal violence and related issues to pro bono attorneys and victim advocates with one day of training preparation in Year One. YMCA of Northeastern New York staff will provide input into CLE training programs, brochures and any other pertinent grant materials and activities. YWCA staff will participate in at one OVW Mandated Training program. Total compensation is $5220 in grant funds.

3. Albany County Crime Victims and Sexual Violence Center is requesting no compensation but agrees to participate in CLE training development and implementation. They will continue participating in the regular Campus Consortium meetings and other coordination meetings, as appropriate, in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.

4. The College of St. Rose is requesting no compensation but agrees to participate in CLE training development and implementation. They will continue participating in the regular Campus Consortium meetings and in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.

5. Wellspring: $3,250 for participation in CLE attorney training, campus-based training relating to legal assistance, and participation in the regular Consortium meetings and in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.

6. Mechanicville Domestic Violence Advocacy Program: $3,250 for participation in CLE attorney training, campus-based training relating to legal assistance, and participation in the regular Consortium meetings and in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.
7. Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital: $3,250 for participation in CLE attorney training, campus-based training relating to legal assistance, and participation in the regular Consortium meetings and in technical assistance and capacity building activities sponsored by OVW designated training and technical assistance providers. They will provide input into materials and planning for the project.

By signing the Memorandum of Understanding, the Project Partners have approved the proposed project budget.
Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

February 11, 2019

Dear Chairman Joyce:

I am requesting permission to apply for a grant opportunity with the New York State Office of Victim Services under the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program from October 1, 2019 through September 30, 2022. This is a three year grant award with a possible one (1) two year renewal period. This grant provides an expanded opportunity for CVSVC to respond to the challenge of finding new solutions for serving victims of crime, developing innovative and comprehensive ways to meeting their complex needs, and for reaching underserved populations.

Back up material is provided for your review. Please do not hesitate to contact me if you have any questions or require additional information. Thank you for your consideration.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
    Frank A. Mauriello, Minority Leader
    Kevin Cannizzaro, Esq., Majority Counsel
    Arnis Zilgme, Esq. Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract Authorization for NYS OVS grant

Date: 2/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518-447-7100
Department Rep.
Attending Meeting: Karen Ziegler

Purpose of Request:
☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant

New
Submission Date Deadline 4/3/2019
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
New York State Office of Victim Services
Alfred E. Smith Building, 2nd floor
80 South Swan Street
Albany, NY 12210

Additional Parties (Names(addresses)):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: $2,000,000
Scope of Services: Partial funding for 18 staff to provide direct services to victims of crime as well as operational costs from 10/1/2019 through 9/30/2022.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.
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<th><strong>File #: TMP-0605, Version: 1</strong></th>
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| **Is there a Fiscal Impact:** | Yes ☐ No ☒ |
| **Anticipated in Current Budget:** | Yes ☒ No ☐ |

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<th><strong>County Budget Accounts:</strong></th>
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<td>Revenue Account and Line:</td>
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<td>Appropriation Account and Line:</td>
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<th><strong>Source of Funding - (Percentages)</strong></th>
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<td><strong>Yes ☐ No ☒</strong></td>
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<td><strong>Resolution/Law Number:</strong></td>
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<td><strong>Date of Adoption:</strong></td>
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</table>

**Justification:** (state briefly why legislative action is requested)
The NYS Office of Victim Services (OVS) is seeking proposals for the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. This grant provides financial support to community based organizations providing direct services to victims of crime. The VOCA Victim and Witness Assistance Grant Program is funded by the Federal Victims of Crime Act of 1984 which supports both victim compensation and victim assistance programs. This is a three year grant award with a possible one (1) two year renewal period. This grant provides an expanded opportunity for CVSVS to respond to the challenge of finding new solutions for serving victims of crime, developing innovative and comprehensive ways to meeting their complex needs, and for reaching underserved populations.
Hon. Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Room 710  
Albany, NY 12207  

February 11, 2019  

Dear Chairman Joyce:  

I am submitting the enclosed Request for Legislative Action for approval on behalf of the  
Albany County Crime Victim and Sexual Violence Center to contract with the City of Albany to  
provide support for our annual Take back the Night March. We are asking the police department  
to provide traffic and crowd control and the fire department to provide emergency medical  
services.  

Back up material is provided for your review. Please do not hesitate to contact me if you have  
any questions or require additional information. Thank you for your consideration.  

Respectfully Submitted,  

Karen Ziegler  
Director  

Cc:  Dennis A. Feeney, Majority Leader  
Frank A. Mauero, Minority Leader  
Kevin Cannizzaro, Esq., Majority Counsel  
Amnis Zilgme, Esq., Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract Authorization

Date: 2/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518-447-7100
Department Rep.
Attending Meeting: Karen Ziegler

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
File #: TMP-0599, Version: 1

Is there a Fiscal Impact:
Yes ☐ No ☒

Anticipated in Current Budget:
Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line:
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line:
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)
Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) 4/17/2019
Length of Contract: 24 hours

Impact on Pending Litigation
Yes ☐ No ☒

If yes, explain:
Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 98
Date of Adoption: 3/12/2018

Justification: (state briefly why legislative action is requested)
This is the 38th Annual Take Back the Night March for CVSVC. This event is to encourage community mobilization. There is a rally on campus followed by a march. We are requesting that the Albany Police Department provides a mounted police escort for the one mile march through the City of Albany.
TAKE BACK the NIGHT
#tbtalbany
Rally and march against sexual violence

WEDNESDAY, APRIL 17, 2019
Washington Park Lake House
5:00pm - 8:00pm
Community Tabling, Live Performances, Survivor Speak Out, March & Candle Light Vigil

For more information please contact Rachel Wilson:
(518) 447-7100 or rachel.wilson@albanycounty.ny.gov
January 7, 2019

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Enclosed is a completed Request for Legislative Action and supporting documentation relative to a request to settle pending litigation which I am requesting be placed on the agenda for the next Law Committee meeting. As a tentative agreement to settle this litigation has been reached, subject to approval of the Legislature, I am requesting that the details of this proposed settlement remain confidential. Further, I will be requesting that the Law Committee meet in Executive Session to discuss the allegations of this lawsuit and the proposed terms of settlement.

Sincerely,

[Signature]
Daniel C. Lynch
Albany County Attorney

cc: Dennis A. Feeney, Majority Leader
    Frank A. Mauriello, Minority Leader
    Kevin Cannizzaro, Majority Counsel
    Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Settlement Civil Matter

Date: 2/12/2019
Submitted By: Daniel Lynch
Department: Law
Title: County Attorney
Phone: 518-447-7048
Department Rep.:
Attending Meeting: Daniel Lynch

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant

Choose an item. Submission Date Deadline Click or tap to enter a date.
☒ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
See Handout

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Scope of Services:
Click or tap here to enter text.

Bond Res. No.:
Date of Adoption:
Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
File #: TMP-0579, Version: 1

Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: CS9931  
Appropriation Amount: $150,000

Source of Funding - (Percentages)  
Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: 100%  
Local: Click or tap here to enter text.

Term  
Term: (Start and end date) Click or tap here to enter text.  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation  
Yes ☒ No ☐  
If yes, explain: Litigation is pending in state court

Previous requests for Identical or Similar Action:  
Resolution/Law Number: Click or tap here to enter text. 
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)  
To settle a confidential lawsuit